

**Union Calendar No. 44**

110TH CONGRESS  
1ST SESSION

**H. R. 1495**

**[Report No. 110–80]**

To provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

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**IN THE HOUSE OF REPRESENTATIVES**

MARCH 13, 2007

Mr. OBERSTAR (for himself and Ms. EDDIE BERNICE JOHNSON of Texas) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

MARCH 29, 2007

Additional sponsors: Mr. MICA and Mr. BAKER

MARCH 29, 2007

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on March 13, 2007]

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**A BILL**

To provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
 2        *tives of the United States of America in Congress assembled,*

3        **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4        (a) *SHORT TITLE.*—*This Act may be cited as the*  
 5        *“Water Resources Development Act of 2007”.*

6        (b) *TABLE OF CONTENTS.*—

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*Sec. 2. Definition of Secretary.*

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*Sec. 1005. Small projects for improvement of the quality of the environment.*

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*Sec. 2004. National shoreline erosion control development and demonstration pro-*  
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*Sec. 2005. Small shore and beach restoration and protection projects.*

*Sec. 2006. Aquatic ecosystem restoration.*

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*Sec. 2011. Compilation of laws.*

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*Sec. 2013. Wetlands mitigation.*

*Sec. 2014. Mitigation for fish and wildlife losses.*

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*Sec. 2016. Beneficial uses of dredged material.*

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*Sec. 2018. Use of other Federal funds.*

*Sec. 2019. Revision of project partnership agreement.*

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### **1 SEC. 2. DEFINITION OF SECRETARY.**

2       *In this Act, the term “Secretary” means the Secretary*  
 3 *of the Army.*

## **4 TITLE I—WATER RESOURCES** **5 PROJECTS**

### **6 SEC. 1001. PROJECT AUTHORIZATIONS.**

7       *Except as otherwise provided in this section, the fol-*  
 8 *lowing projects for water resources development and con-*  
 9 *servation and other purposes are authorized to be carried*  
 10 *out by the Secretary substantially in accordance with the*  
 11 *plans, and subject to the conditions, described in the respec-*  
 12 *tive reports designated in this section:*

13               (1) *HAINES, ALASKA.—The project for naviga-*  
 14 *tion, Haines, Alaska: Report of the Chief of Engineers*

1     *dated December 20, 2004, at a total cost of*  
2     *\$14,040,000, with an estimated Federal cost of*  
3     *\$11,232,000 and an estimated non-Federal cost of*  
4     *\$2,808,000.*

5             (2) *PORT LIONS, ALASKA.—The project for navi-*  
6     *gation, Port Lions, Alaska: Report of the Chief of En-*  
7     *gineers dated June 14, 2006, at a total cost of*  
8     *\$9,530,000, with an estimated Federal cost of*  
9     *\$7,624,000 and an estimated non-Federal cost of*  
10    *\$1,906,000.*

11            (3) *RIO SALADO OESTE, ARIZONA.—The project*  
12    *for environmental restoration, Rio Salado Oeste, Ari-*  
13    *zona: Report of the Chief of Engineers dated Decem-*  
14    *ber 19, 2006, at a total cost of \$166,650,000, with an*  
15    *estimated Federal cost of \$106,629,000 and an esti-*  
16    *mated non-Federal cost of \$60,021,000.*

17            (4) *SANTA CRUZ RIVER, PASEO DE LAS IGLESIAS,*  
18    *ARIZONA.—The project for environmental restoration,*  
19    *Santa Cruz River, Pima County, Arizona: Report of*  
20    *the Chief of Engineers dated March 28, 2006, at a*  
21    *total cost of \$97,700,000, with an estimated Federal*  
22    *cost of \$63,300,000 and an estimated non-Federal cost*  
23    *of \$34,400,000.*

24            (5) *TANQUE VERDE CREEK, PIMA COUNTY, ARI-*  
25    *ZONA.—The project for environmental restoration,*

1       *Tanque Verde Creek, Pima County, Arizona: Report*  
2       *of the Chief of Engineers dated July 22, 2003, at a*  
3       *total cost of \$5,906,000, with an estimated Federal*  
4       *cost of \$3,836,000 and an estimated non-Federal cost*  
5       *of \$2,070,000.*

6               (6) *SALT RIVER (VA SHLYAY' AKIMEL), MARICOPA*  
7       *COUNTY, ARIZONA.—The project for environmental*  
8       *restoration, Salt River (Va Shlyay' Akimel), Arizona:*  
9       *Report of the Chief of Engineers dated January 3,*  
10       *2005, at a total cost of \$162,100,000, with an esti-*  
11       *mated Federal cost of \$105,200,000 and an estimated*  
12       *non-Federal cost of \$56,900,000.*

13              (7) *MAY BRANCH, FORT SMITH, ARKANSAS.—The*  
14       *project for flood damage reduction, May Branch, Fort*  
15       *Smith, Arkansas, Report of the Chief of Engineers*  
16       *dated December 19, 2006, at a total cost of*  
17       *\$30,850,000, with an estimated Federal cost of*  
18       *\$15,010,000 and an estimated non-Federal cost of*  
19       *\$15,840,000.*

20              (8) *HAMILTON CITY, CALIFORNIA.—The project*  
21       *for flood damage reduction and environmental res-*  
22       *toration, Hamilton City, California: Report of the*  
23       *Chief of Engineers dated December 22, 2004, at a*  
24       *total cost of \$52,400,000, with an estimated Federal*

1      *cost of \$34,100,000 and estimated non-Federal cost of*  
2      *\$18,300,000.*

3            (9) *IMPERIAL BEACH, CALIFORNIA.—The project*  
4      *for storm damage reduction, Imperial Beach, Cali-*  
5      *fornia: Report of the Chief of Engineers dated Decem-*  
6      *ber 30, 2003, at a total cost of \$13,700,000, with an*  
7      *estimated Federal cost of \$8,521,000 and an estimated*  
8      *non-Federal cost of \$5,179,000, and at an estimated*  
9      *total cost of \$42,500,000 for periodic beach nourish-*  
10     *ment over the 50-year life of the project, with an esti-*  
11     *mated Federal cost of \$21,250,000 and an estimated*  
12     *non-Federal cost of \$21,250,000.*

13           (10) *MATILIJIA DAM, VENTURA COUNTY, CALI-*  
14     *FORNIA.—The project for environmental restoration,*  
15     *Matilija Dam, Ventura County, California: Report of*  
16     *the Chief of Engineers dated December 20, 2004, at*  
17     *a total cost of \$144,500,000, with an estimated Fed-*  
18     *eral cost of \$89,700,000 and an estimated non-Fed-*  
19     *eral cost of \$54,800,000.*

20           (11) *MIDDLE CREEK, LAKE COUNTY, CALI-*  
21     *FORNIA.—The project for flood damage reduction and*  
22     *environmental restoration, Middle Creek, Lake Coun-*  
23     *ty, California: Report of the Chief of Engineers dated*  
24     *November 29, 2004, at a total cost of \$45,200,000,*

1 *with an estimated Federal cost of \$29,500,000 and an*  
 2 *estimated non-Federal cost of \$15,700,000.*

3 (12) *NAPA RIVER SALT MARSH RESTORATION,*  
 4 *CALIFORNIA.—*

5 (A) *IN GENERAL.—The project for environ-*  
 6 *mental restoration, Napa River Salt Marsh Res-*  
 7 *toration, Napa, California: Report of the Chief of*  
 8 *Engineers dated December 22, 2004, at a total*  
 9 *cost of \$134,500,000, with an estimated Federal*  
 10 *cost of \$87,500,000 and an estimated non-Fed-*  
 11 *eral cost of \$47,000,000.*

12 (B) *ADMINISTRATION.—In carrying out the*  
 13 *project authorized by this paragraph, the Sec-*  
 14 *retary shall—*

15 (i) *construct a recycled water pipeline*  
 16 *extending from the Sonoma Valley County*  
 17 *Sanitation District Waste Water Treatment*  
 18 *Plant and the Napa Sanitation District*  
 19 *Waste Water Treatment Plant to the*  
 20 *project; and*

21 (ii) *restore or enhance Salt Ponds 1,*  
 22 *1A, 2, and 3.*

23 (13) *DENVER COUNTY REACH, SOUTH PLATTE*  
 24 *RIVER, DENVER, COLORADO.—The project for environ-*  
 25 *mental restoration, Denver County Reach, South*

1 *Platte River, Denver, Colorado: Report of the Chief of*  
2 *Engineers dated May 16, 2003, at a total cost of*  
3 *\$21,050,000, with an estimated Federal cost of*  
4 *\$13,680,000 and an estimated non-Federal cost of*  
5 *\$7,370,000.*

6 (14) *MIAMI HARBOR, MIAMI-DADE COUNTY,*  
7 *FLORIDA.—*

8 (A) *IN GENERAL.—The project for naviga-*  
9 *tion, Miami Harbor, Miami-Dade County, Flor-*  
10 *ida: Report of the Chief of Engineers dated April*  
11 *25, 2005, at a total cost of \$125,270,000, with an*  
12 *estimated Federal cost of \$75,140,000 and an es-*  
13 *timated non-Federal cost of \$50,130,000.*

14 (B) *GENERAL REEVALUATION REPORT.—*  
15 *The non-Federal share of the cost of the general*  
16 *reevaluation report that resulted in the report of*  
17 *the Chief of Engineers referred to in subpara-*  
18 *graph (A) shall be the same percentage as the*  
19 *non-Federal share of cost of construction of the*  
20 *project.*

21 (C) *AGREEMENT.—The Secretary shall*  
22 *enter into a new partnership with the non-Fed-*  
23 *eral interest to reflect the cost sharing required*  
24 *by subparagraph (B).*

1           (15) *EAST ST. LOUIS AND VICINITY, ILLINOIS.—*  
2           *The project for environmental restoration and recre-*  
3           *ation, East St. Louis and Vicinity, Illinois: Report of*  
4           *the Chief of Engineers dated December 22, 2004, at*  
5           *a total cost of \$208,260,000, with an estimated Fed-*  
6           *eral cost of \$134,910,000 and an estimated non-Fed-*  
7           *eral cost of \$73,350,000.*

8           (16) *PEORIA RIVERFRONT DEVELOPMENT, ILLI-*  
9           *NOIS.—The project for environmental restoration, Pe-*  
10          *oria Riverfront Development, Illinois: Report of the*  
11          *Chief of Engineers dated July 28, 2003, at a total*  
12          *cost of \$18,220,000, with an estimated Federal cost of*  
13          *\$11,840,000 and an estimated non-Federal cost of*  
14          *\$6,380,000.*

15          (17) *WOOD RIVER LEVEE SYSTEM RECONSTRUC-*  
16          *TION, MADISON COUNTY, ILLINOIS.—The project for*  
17          *flood damage reduction, Wood River Levee System*  
18          *Reconstruction, Madison County, Illinois: Report of*  
19          *the Chief of Engineers dated July 18, 2006, at a total*  
20          *cost of \$17,220,000, with an estimated Federal cost of*  
21          *\$11,193,000 and an estimated non-Federal cost of*  
22          *\$6,027,000.*

23          (18) *DES MOINES AND RACCOON RIVERS, DES*  
24          *MOINES, IOWA.—The project for flood damage reduc-*  
25          *tion, Des Moines and Raccoon Rivers, Des Moines,*



1 *Iowa: Report of the Chief of Engineers dated March*  
2 *28, 2006, at a total cost of \$10,780,000, with an esti-*  
3 *mated Federal cost of \$6,967,000 and an estimated*  
4 *non-Federal cost of \$3,813,000.*

5 (19) *LICKING RIVER BASIN, CYNTHIANA, KEN-*  
6 *TUCKY.—The project for flood damage reduction,*  
7 *Licking River Basin, Cynthiana, Kentucky: Report of*  
8 *the Chief of Engineers dated October 24, 2006, at a*  
9 *total cost of \$18,200,000, with an estimated Federal*  
10 *cost of \$11,830,000 and an estimated non-Federal cost*  
11 *of \$6,370,000.*

12 (20) *BAYOU SORREL LOCK, LOUISIANA.—The*  
13 *project for navigation, Bayou Sorrel Lock, Louisiana:*  
14 *Report of the Chief of Engineers dated January 3,*  
15 *2005, at a total cost of \$9,680,000. The costs of con-*  
16 *struction of the project are to be paid  $\frac{1}{2}$  from*  
17 *amounts appropriated from the general fund of the*  
18 *Treasury and  $\frac{1}{2}$  from amounts appropriated from*  
19 *the Inland Waterways Trust Fund.*

20 (21) *MORGANZA TO THE GULF OF MEXICO, LOU-*  
21 *ISIANA.—*

22 (A) *IN GENERAL.—The project for hurricane*  
23 *and storm damage reduction, Morganza to the*  
24 *Gulf of Mexico, Louisiana: Reports of the Chief*  
25 *of Engineers dated August 23, 2002, and July*

22, 2003, at a total cost of \$886,700,000, with an estimated Federal cost of \$576,355,000 and an estimated non-Federal cost of \$310,345,000.

(B) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of design and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

(22) PORT OF IBERIA, LOUISIANA.—The project for navigation, Port of Iberia, Louisiana, Report of the Chief of Engineers dated December 31, 2006, at a total cost of \$131,250,000, with an estimated Federal cost of \$105,315,000 and an estimated non-Federal cost of \$25,935,000.

(23) SMITH ISLAND, SOMERSET COUNTY, MARYLAND.—The project for environmental restoration, Smith Island, Somerset County, Maryland: Report of the Chief of Engineers dated October 29, 2001, at a total cost of \$15,580,000, with an estimated Federal cost of \$10,127,000 and an estimated non-Federal cost of \$5,453,000.

(24) ROSEAU RIVER, ROSEAU, MINNESOTA.—The project for flood damage reduction, Roseau River,

1     *Roseau, Minnesota, Report of the Chief of Engineers*  
2     *dated December 19, 2006, at a total cost of*  
3     *\$25,100,000, with an estimated Federal cost of*  
4     *\$13,820,000 and an estimated non-Federal cost of*  
5     *\$11,280,000.*

6             (25) *MISSISSIPPI COASTAL, MISSISSIPPI.—The*  
7     *project for hurricane and storm damage reduction*  
8     *and environmental restoration, Mississippi Coastal,*  
9     *Mississippi, Report of the Chief of Engineers dated*  
10    *December 31, 2006, at a total cost of \$107,690,000,*  
11    *with an estimated Federal cost of \$70,000,000 and an*  
12    *estimated non-Federal cost of \$37,690,000.*

13            (26) *KANSAS CITYS LEVEES, MISSOURI AND KAN-*  
14    *SAS.—The project for flood damage reduction, Kansas*  
15    *Citys levees, Missouri and Kansas, Report of the Chief*  
16    *of Engineers dated December 19, 2006, at a total cost*  
17    *of \$65,430,000, with an estimated Federal cost of*  
18    *\$42,530,000 and an estimated non-Federal cost of*  
19    *\$22,900,000.*

20            (27) *SWOPE PARK INDUSTRIAL AREA, BLUE*  
21    *RIVER, KANSAS CITY, MISSOURI.—The project for flood*  
22    *damage reduction, Swope Park Industrial Area, Blue*  
23    *River, Kansas City, Missouri: Report of the Chief of*  
24    *Engineers dated December 30, 2003, at a total cost of*  
25    *\$16,980,000, with an estimated Federal cost of*

1       \$11,037,000 and an estimated non-Federal cost of  
2       \$5,943,000.

3           (28) *GREAT EGG HARBOR INLET TO TOWNSENDS*  
4       *INLET, NEW JERSEY.*—*The project for hurricane and*  
5       *storm damage reduction, Great Egg Harbor Inlet to*  
6       *Townsend Inlet, New Jersey: Report of the Chief of*  
7       *Engineers dated October 24, 2006, at a total cost of*  
8       *\$54,360,000, with an estimated Federal cost of*  
9       *\$35,069,000 and an estimated non-Federal cost of*  
10       *\$19,291,000, and at an estimated total cost of*  
11       *\$202,500,000 for periodic nourishment over the 50-*  
12       *year life of the project, with an estimated Federal cost*  
13       *of \$101,250,000 and an estimated non-Federal cost of*  
14       *\$101,250,000.*

15           (29) *HUDSON RARITAN ESTUARY, LIBERTY STATE*  
16       *PARK, NEW JERSEY.*—

17           (A) *IN GENERAL.*—*The project for environ-*  
18       *mental restoration, Hudson Raritan Estuary,*  
19       *Liberty State Park, New Jersey: Report of the*  
20       *Chief of Engineers dated August 25, 2006, at a*  
21       *total cost of \$34,100,000, with an estimated Fed-*  
22       *eral cost of \$22,200,000 and an estimated non-*  
23       *Federal cost of \$11,900,000.*

24           (B) *RESTORATION TEAMS.*—*In carrying out*  
25       *the project, the Secretary shall establish and uti-*

1        *lize watershed restoration teams composed of es-*  
2        *tuary restoration experts from the Corps of En-*  
3        *gineers, the New Jersey department of environ-*  
4        *mental protection, and the Port Authority of*  
5        *New York and New Jersey and other experts des-*  
6        *ignated by the Secretary for the purpose of devel-*  
7        *oping habitat restoration and water quality en-*  
8        *hancement.*

9        (30) *MANASQUAN INLET TO BARNEGAT INLET,*  
10       *NEW JERSEY.—The project for hurricane and storm*  
11       *damage reduction, Manasquan Inlet to Barnegat*  
12       *Inlet, New Jersey: Report of the Chief of Engineers*  
13       *dated December 30, 2003, at a total cost of*  
14       *\$71,900,000, with an estimated Federal cost of*  
15       *\$46,735,000 and an estimated non-Federal cost of*  
16       *\$25,165,000, and at an estimated total cost of*  
17       *\$119,680,000 for periodic beach nourishment over the*  
18       *50-year life of the project, with an estimated Federal*  
19       *cost of \$59,840,000 and an estimated non-Federal cost*  
20       *of \$59,840,000.*

21       (31) *RARITAN BAY AND SANDY HOOK BAY, UNION*  
22       *BEACH, NEW JERSEY.—The project for hurricane and*  
23       *storm damage reduction, Raritan Bay and Sandy*  
24       *Hook Bay, Union Beach, New Jersey: Report of the*  
25       *Chief of Engineers dated January 4, 2006, at a total*

1 *cost of \$115,000,000, with an estimated Federal cost*  
2 *of \$74,800,000 and an estimated non-Federal cost of*  
3 *\$40,200,000, and at an estimated total cost of*  
4 *\$6,500,000 for periodic nourishment over the 50-year*  
5 *life of the project, with an estimated Federal cost of*  
6 *\$3,250,000 and an estimated non-Federal cost of*  
7 *\$3,250,000.*

8 (32) *SOUTH RIVER, RARITAN RIVER BASIN, NEW*  
9 *JERSEY.—The project for hurricane and storm dam-*  
10 *age reduction and environmental restoration, South*  
11 *River, Raritan River Basin, New Jersey: Report of*  
12 *the Chief of Engineers dated July 22, 2003, at a total*  
13 *cost of \$122,300,000, with an estimated Federal cost*  
14 *of \$79,500,000 and an estimated non-Federal cost of*  
15 *\$42,800,000.*

16 (33) *SOUTHWEST VALLEY, BERNALILLO COUNTY,*  
17 *NEW MEXICO.—The project for flood damage reduc-*  
18 *tion, Southwest Valley, Bernalillo County, New Mex-*  
19 *ico: Report of the Chief of Engineers dated November*  
20 *29, 2004, at a total cost of \$24,840,000, with an esti-*  
21 *mated Federal cost of \$16,150,000 and an estimated*  
22 *non-Federal cost of \$8,690,000.*

23 (34) *MONTAUK POINT, NEW YORK.—The project*  
24 *for hurricane and storm damage reduction, Montauk*  
25 *Point, New York: Report of the Chief of Engineers*

1       *dated March 31, 2006, at a total cost of \$14,600,000,*  
2       *with an estimated Federal cost of \$7,300,000 and an*  
3       *estimated non-Federal cost of \$7,300,000.*

4           (35) *HOCKING RIVER, MONDAY CREEK SUB-*  
5       *BASIN, OHIO.—The project for environmental restora-*  
6       *tion, Hocking River, Monday Creek Sub-basin, Ohio:*  
7       *Report of the Chief of Engineers dated August 24,*  
8       *2006, at a total cost of \$20,980,000, with an esti-*  
9       *mated Federal cost of \$13,440,000 and an estimated*  
10       *non-Federal cost of \$7,540,000.*

11           (36) *TOWN OF BLOOMSBURG, COLUMBIA COUNTY,*  
12       *PENNSYLVANIA.—The project for flood damage reduc-*  
13       *tion, town of Bloomsburg, Columbia County, Pennsyl-*  
14       *vania: Report of the Chief of Engineers dated Janu-*  
15       *ary 25, 2006, at a total cost of \$44,500,000, with an*  
16       *estimated Federal cost of \$28,925,000 and an esti-*  
17       *mated non-Federal cost of \$15,575,000.*

18           (37) *PAWLEY’S ISLAND, SOUTH CAROLINA.—The*  
19       *project for hurricane and storm damage reduction,*  
20       *Pawley’s Island, South Carolina, Report of the Chief*  
21       *of Engineers dated December 19, 2006, at a total cost*  
22       *of \$8,980,000, with an estimated Federal cost of*  
23       *\$5,840,000 and an estimated non-Federal cost of*  
24       *\$3,140,000, and at an estimated total cost of*  
25       *\$21,200,000 for periodic nourishment over the 50-year*

1 *life of the project, with an estimated Federal cost of*  
 2 *\$10,600,000 and an estimated non-Federal cost of*  
 3 *\$10,600,000.*

4 (38) *CORPUS CHRISTI SHIP CHANNEL, CORPUS*  
 5 *CHRISTI, TEXAS.—The project for navigation and eco-*  
 6 *system restoration, Corpus Christi Ship Channel,*  
 7 *Texas: Report of the Chief of Engineers dated June 2,*  
 8 *2003, at a total cost of \$188,110,000, with an esti-*  
 9 *mated Federal cost of \$87,810,000 and an estimated*  
 10 *non-Federal cost of \$100,300,000.*

11 (39) *GULF INTRACOASTAL WATERWAY,*  
 12 *MATAGORDA BAY RE-ROUTE, TEXAS.—The project for*  
 13 *navigation, Gulf Intracoastal Waterway, Matagorda*  
 14 *Bay Re-Route, Texas: Report of the Chief of Engi-*  
 15 *neers dated December 24, 2002, at a total cost of*  
 16 *\$17,280,000. The costs of construction of the project*  
 17 *are to be paid 1/2 from amounts appropriated from*  
 18 *the general fund of the Treasury and 1/2 from*  
 19 *amounts appropriated from the Inland Waterways*  
 20 *Trust Fund.*

21 (40) *GULF INTRACOASTAL WATERWAY, HIGH IS-*  
 22 *LAND TO BRAZOS RIVER, TEXAS.—The project for*  
 23 *navigation, Gulf Intracoastal Waterway, High Island*  
 24 *to Brazos River, Texas: Report of the Chief of Engi-*  
 25 *neers dated April 16, 2004, at a total cost of*



1       \$14,450,000. *The costs of construction of the project*  
2       *are to be paid 1/2 from amounts appropriated from*  
3       *the general fund of the Treasury and 1/2 from*  
4       *amounts appropriated from the Inland Waterways*  
5       *Trust Fund.*

6               (41) *LOWER COLORADO RIVER BASIN PHASE I,*  
7       *TEXAS.—The project for flood damage reduction and*  
8       *environmental restoration, Lower Colorado River*  
9       *Basin Phase I, Texas, Report of the Chief of Engi-*  
10       *neers dated December 31, 2006, at a total cost of*  
11       *\$110,730,000, with an estimated Federal cost of*  
12       *\$69,640,000 and an estimated non-Federal cost of*  
13       *\$41,090,000.*

14              (42) *ATLANTIC INTRACOASTAL WATERWAY*  
15       *BRIDGE REPLACEMENT, DEEP CREEK, CHESAPEAKE,*  
16       *VIRGINIA.—The project for Atlantic Intracoastal Wa-*  
17       *terway Bridge Replacement, Deep Creek, Chesapeake,*  
18       *Virginia: Report of the Chief of Engineers dated*  
19       *March 3, 2003, at a total cost of \$37,200,000.*

20              (43) *CRANEY ISLAND EASTWARD EXPANSION,*  
21       *NORFOLK HARBOR AND CHANNELS, VIRGINIA.—The*  
22       *project for navigation, Craney Island Eastward Ex-*  
23       *pansion, Norfolk Harbor and Channels, Virginia: Re-*  
24       *port of Chief of Engineers dated October 24, 2006, at*  
25       *a total cost of \$712,103,000, with an estimated Fed-*

5       (a) *IN GENERAL.*—The Secretary shall conduct a  
6 study for each of the following projects and, if the Secretary  
7 determines that a project is feasible, may carry out the  
8 project under section 205 of the Flood Control Act of 1948  
9 (33 U.S.C. 701s):

(2) *WEISS LAKE, ALABAMA.—Project for flood damage reduction, Weiss Lake, Alabama.*

(4) *CACHE RIVER BASIN, GRUBBS, ARKANSAS.—*  
*Project for flood damage reduction, Cache River*  
*Basin, Grubbs, Arkansas.*

(6) *BORREGO SPRINGS, CALIFORNIA.—Project for flood damage reduction, Borrego Springs, California.*

1           (7) COLTON, CALIFORNIA.—*Project for flood*  
2           *damage reduction, Colton, California.*

3           (8) DUNLAP STREAM, YUCAIPA, CALIFORNIA.—  
4           *Project for flood damage reduction, Dunlap Stream,*  
5           *Yucaipa, California.*

6           (9) HUNTS CANYON WASH, PALMDALE, CALI-  
7           FORNIA.—*Project for flood damage reduction, Hunts*  
8           *Canyon Wash, Palmdale, California.*

9           (10) ONTARIO AND CHINO, CALIFORNIA.—*Project*  
10          *for flood damage reduction, Ontario and Chino, Cali-*  
11          *fornia.*

12          (11) SANTA VENETIA, CALIFORNIA.—*Project for*  
13          *flood damage reduction, Santa Venetia, California.*

14          (12) WHITTIER, CALIFORNIA.—*Project for flood*  
15          *damage reduction, Whittier, California.*

16          (13) WILDWOOD CREEK, YUCAIPA, CALIFORNIA.—  
17          *Project for flood damage reduction, Wildwood Creek,*  
18          *Yucaipa, California.*

19          (14) ST. FRANCISVILLE, LOUISIANA.—*Project for*  
20          *flood damage reduction, St. Francisville, Louisiana.*

21          (15) SALEM, MASSACHUSETTS.—*Project for flood*  
22          *damage reduction, Salem, Massachusetts.*

23          (16) CASS RIVER, MICHIGAN.—*Project for flood*  
24          *damage reduction, Cass River, Vassar and vicinity,*  
25          *Michigan.*

1           (17) *CROW RIVER, ROCKFORD, MINNESOTA.—*  
 2           *Project for flood damage reduction, Crow River, Rock-*  
 3           *ford, Minnesota.*

4           (18) *MARSH CREEK, MINNESOTA.—Project for*  
 5           *flood damage reduction, Marsh Creek, Minnesota.*

6           (19) *SOUTH BRANCH OF THE WILD RICE RIVER,*  
 7           *BORUP, MINNESOTA.—Project for flood damage reduc-*  
 8           *tion, South Branch of the Wild Rice River, Borup,*  
 9           *Minnesota.*

10          (20) *BLACKSNAKE CREEK, ST. JOSEPH, MIS-*  
 11          *SOURI.—Project for flood damage reduction, Black-*  
 12          *snake Creek, St. Joseph, Missouri.*

13          (21) *ACID BROOK, POMPTON LAKES, NEW JER-*  
 14          *SEY.—Project for flood damage reduction, Acid Brook,*  
 15          *Pompton Lakes, New Jersey.*

16          (22) *CANNISTEO RIVER, ADDISON, NEW YORK.—*  
 17          *Project for flood damage reduction, Cannisteco River,*  
 18          *Addison, New York.*

19          (23) *COHOCTON RIVER, CAMPBELL, NEW YORK.—*  
 20          *Project for flood damage reduction, Cohocton River,*  
 21          *Campbell, New York.*

22          (24) *DRY AND OTTER CREEKS, CORTLAND, NEW*  
 23          *YORK.—Project for flood damage reduction, Dry and*  
 24          *Otter Creeks, Cortland, New York.*

1           (25) *EAST RIVER, SILVER BEACH, NEW YORK*  
 2           *CITY, NEW YORK.—Project for flood damage reduction,*  
 3           *East River, Silver Beach, New York City, New York.*

4           (26) *EAST VALLEY CREEK, ANDOVER, NEW*  
 5           *YORK.—Project for flood damage reduction, East Val-*  
 6           *ley Creek, Andover, New York.*

7           (27) *SUNNYSIDE BROOK, WESTCHESTER COUNTY,*  
 8           *NEW YORK.—Project for flood damage reduction, Sun-*  
 9           *nyside Brook, Westchester County, New York.*

10          (28) *LITTLE YANKEE RUN, OHIO.—Project for*  
 11          *flood damage reduction, Little Yankee Run, Ohio.*

12          (29) *LITTLE NESHAMINY CREEK, WARRENTON,*  
 13          *PENNSYLVANIA.—Project for flood damage reduction,*  
 14          *Little Neshaminy Creek, Warrenton, Pennsylvania.*

15          (30) *SOUTHAMPTON CREEK WATERSHED, SOUTH-*  
 16          *AMPTON, PENNSYLVANIA.—Project for flood damage*  
 17          *reduction, Southampton Creek watershed, South-*  
 18          *ampton, Pennsylvania.*

19          (31) *SPRING CREEK, LOWER MACUNGIE TOWN-*  
 20          *SHIP, PENNSYLVANIA.—Project for flood damage re-*  
 21          *duction, Spring Creek, Lower Macungie Township,*  
 22          *Pennsylvania.*

23          (32) *YARDLEY AQUEDUCT, SILVER AND BROCK*  
 24          *CREEKS, YARDLEY, PENNSYLVANIA.—Project for flood*

1       *damage reduction, Yardley Aqueduct, Silver and*  
 2       *Brock Creeks, Yardley, Pennsylvania.*

3           (33) *SURFSIDE BEACH, SOUTH CAROLINA.—*  
 4       *Project for flood damage reduction, Surfside Beach*  
 5       *and vicinity, South Carolina.*

6           (34) *CONGELOSI DITCH, MISSOURI CITY,*  
 7       *TEXAS.—Project for flood damage reduction,*  
 8       *Congelosi Ditch, Missouri City, Texas.*

9           (35) *DILLEY, TEXAS.—Project for flood damage*  
 10       *reduction, Dilley, Texas.*

11       (b) *SPECIAL RULES.—*

12           (1) *CACHE RIVER BASIN, GRUBBS, ARKANSAS.—*  
 13       *The Secretary may proceed with the project for the*  
 14       *Cache River Basin, Grubbs, Arkansas, referred to in*  
 15       *subsection (a), notwithstanding that the project is lo-*  
 16       *cated within the boundaries of the flood control*  
 17       *project, Cache River Basin, Arkansas and Missouri,*  
 18       *authorized by section 204 of the Flood Control Act of*  
 19       *1950, (64 Stat. 172) and modified by section 99 of the*  
 20       *Water Resources Development Act of 1974 (88 Stat.*  
 21       *41).*

22           (2) *ONTARIO AND CHINO, CALIFORNIA.—The Sec-*  
 23       *retary shall carry out the project for flood damage re-*  
 24       *duction, Ontario and Chino, California, referred to in*

1        *subsection (a) if the Secretary determines that the*  
2        *project is feasible.*

3            (3) *SANTA VENETIA, CALIFORNIA.—The Sec-*  
4        *retary shall carry out the project for flood damage re-*  
5        *duction, Santa Venetia, California, referred to in sub-*  
6        *section (a) if the Secretary determines that the project*  
7        *is feasible and shall allow the non-Federal interest to*  
8        *participate in the financing of the project in accord-*  
9        *ance with section 903(c) of the Water Resources De-*  
10       *velopment Act of 1986 (100 Stat. 4184) to the extent*  
11       *that the Secretary's evaluation indicates that apply-*  
12       *ing such section is necessary to implement the project.*

13           (4) *WHITTIER, CALIFORNIA.—The Secretary*  
14       *shall carry out the project for flood damage reduction,*  
15       *Whittier, California, referred to in subsection (a) if*  
16       *the Secretary determines that the project is feasible.*

17           (5) *SOUTH BRANCH OF THE WILD RICE RIVER,*  
18       *BORUP, MINNESOTA.—In carrying out the project for*  
19       *flood damage reduction, South Branch of the Wild*  
20       *Rice River, Borup, Minnesota, referred to in sub-*  
21       *section (a) the Secretary may consider national eco-*  
22       *system restoration benefits in determining the Federal*  
23       *interest in the project and shall allow the non-Federal*  
24       *interest to participate in the financing of the project*  
25       *in accordance with section 903(c) of the Water Re-*

1        *sources Development Act of 1986 (100 Stat. 4184) to*  
 2        *the extent that the Secretary's evaluation indicates*  
 3        *that applying such section is necessary to implement*  
 4        *the project.*

5            (6) *ACID BROOK, POMPTON LAKES, NEW JER-*  
 6        *SEY.—The Secretary shall carry out the project for*  
 7        *flood damage reduction, Acid Brook, Pompton Lakes,*  
 8        *New Jersey, referred to in subsection (a) if the Sec-*  
 9        *retary determines that the project is feasible.*

10           (7) *DILLEY, TEXAS.—The Secretary shall carry*  
 11        *out the project for flood damage reduction, Dilley,*  
 12        *Texas, referred to in subsection (a) if the Secretary*  
 13        *determines that the project is feasible.*

14    **SEC. 1003. SMALL PROJECTS FOR EMERGENCY**  
 15                                    **STREAMBANK PROTECTION.**

16        *The Secretary shall conduct a study for each of the*  
 17        *following projects and, if the Secretary determines that a*  
 18        *project is feasible, may carry out the project under section*  
 19        *14 of the Flood Control Act of 1946 (33 U.S.C. 701r):*

20            (1) *ST. JOHNS BLUFF TRAINING WALL, DUVAL*  
 21        *COUNTY, FLORIDA.—Project for emergency streambank*  
 22        *protection, St. Johns Bluff Training Wall, Duval*  
 23        *County, Florida.*

24            (2) *GULF INTRACOASTAL WATERWAY, IBERVILLE*  
 25        *PARISH, LOUISIANA.—Projects for emergency*



1        *streambank restoration, Gulf Intracoastal Waterway,*  
2        *Iberville Parish, Louisiana.*

3            (3) *OUACHITA AND BLACK RIVERS, ARKANSAS*  
4        *AND LOUISIANA.—Project for emergency streambank*  
5        *protection, Ouachita and Black Rivers, Arkansas and*  
6        *Louisiana.*

7            (4) *PINEY POINT LIGHTHOUSE, ST. MARY’S*  
8        *COUNTY, MARYLAND.—Project for emergency*  
9        *streambank protection, Piney Point Lighthouse, St.*  
10       *Mary’s County, Maryland.*

11           (5) *PUG HOLE LAKE, MINNESOTA.—Project for*  
12        *emergency streambank protection, Pug Hole Lake,*  
13        *Minnesota.*

14           (6) *MIDDLE FORK GRAND RIVER, GENTRY COUN-*  
15        *TY, MISSOURI.—Project for emergency streambank*  
16        *protection, Middle Fork Grand River, Gentry County,*  
17        *Missouri.*

18           (7) *PLATTE RIVER, PLATTE CITY, MISSOURI.—*  
19        *Project for emergency streambank protection, Platte*  
20        *River, Platte City, Missouri.*

21           (8) *RUSH CREEK, PARKVILLE, MISSOURI.—*  
22        *Project for emergency streambank protection, Rush*  
23        *Creek, Parkville, Missouri, including measures to ad-*  
24        *dress degradation of the creek bed.*

1           (9) *DRY AND OTTER CREEKS, CORTLAND COUN-*  
 2           *TY, NEW YORK.—Project for emergency streambank*  
 3           *protection, Dry and Otter Creeks, Cortland County,*  
 4           *New York.*

5           (10) *KEUKA LAKE, HAMMONDSPORT, NEW*  
 6           *YORK.—Project for emergency streambank protection,*  
 7           *Keuka Lake, Hammondsport, New York.*

8           (11) *KOWAWESE UNIQUE AREA AND HUDSON*  
 9           *RIVER, NEW WINDSOR, NEW YORK.—Project for emer-*  
 10          *gency streambank protection, Kowawese Unique Area*  
 11          *and Hudson River, New Windsor, New York.*

12          (12) *OWEGO CREEK, TIOGA COUNTY, NEW*  
 13          *YORK.—Project for emergency streambank protection,*  
 14          *Owego Creek, Tioga County, New York.*

15          (13) *HOWARD ROAD OUTFALL, SHELBY COUNTY,*  
 16          *TENNESSEE.—Project for emergency streambank pro-*  
 17          *tection, Howard Road outfall, Shelby County, Ten-*  
 18          *nessee.*

19          (14) *MITCH FARM DITCH AND LATERAL D, SHEL-*  
 20          *BY COUNTY, TENNESSEE.—Project for emergency*  
 21          *streambank protection, Mitch Farm Ditch and Lat-*  
 22          *eral D, Shelby County, Tennessee.*

23          (15) *WOLF RIVER TRIBUTARIES, SHELBY COUN-*  
 24          *TY, TENNESSEE.—Project for emergency streambank*

1        *protection, Wolf River tributaries, Shelby County,*  
 2        *Tennessee.*

3            (16) *JOHNSON CREEK, ARLINGTON, TEXAS.—*  
 4        *Project for emergency streambank protection, Johnson*  
 5        *Creek, Arlington, Texas.*

6            (17) *WELLS RIVER, NEWBURY, VERMONT.—*  
 7        *Project for emergency streambank protection, Wells*  
 8        *River, Newbury, Vermont.*

9    **SEC. 1004. SMALL PROJECTS FOR NAVIGATION.**

10        (a) *IN GENERAL.—The Secretary shall conduct a*  
 11        *study for each of the following projects and, if the Secretary*  
 12        *determines that a project is feasible, may carry out the*  
 13        *project under section 107 of the River and Harbor Act of*  
 14        *1960 (33 U.S.C. 577):*

15            (1) *MISSISSIPPI RIVER SHIP CHANNEL, LOU-*  
 16        *ISIANA.—Project for navigation, Mississippi River*  
 17        *Ship Channel, Louisiana.*

18            (2) *EAST BASIN, CAPE COD CANAL, SANDWICH,*  
 19        *MASSACHUSETTS.—Project for navigation, East*  
 20        *Basin, Cape Cod Canal, Sandwich, Massachusetts.*

21            (3) *LYNN HARBOR, LYNN, MASSACHUSETTS.—*  
 22        *Project for navigation, Lynn Harbor, Lynn, Massa-*  
 23        *chusetts.*

1           (4) *MERRIMACK RIVER, HAVERHILL, MASSACHU-*  
 2           *SETTS.—Project for navigation, Merrimack River,*  
 3           *Haverhill, Massachusetts.*

4           (5) *OAK BLUFFS HARBOR, OAK BLUFFS, MASSA-*  
 5           *CHUSETTS.—Project for navigation, Oak Bluffs Har-*  
 6           *bor, Oak Bluffs, Massachusetts.*

7           (6) *WOODS HOLE GREAT HARBOR, FALMOUTH,*  
 8           *MASSACHUSETTS.—Project for navigation, Woods*  
 9           *Hole Great Harbor, Falmouth, Massachusetts.*

10          (7) *AU SABLE RIVER, MICHIGAN.—Project for*  
 11          *navigation, Au Sable River in the vicinity of Oscoda,*  
 12          *Michigan.*

13          (8) *TRAVERSE CITY HARBOR, TRAVERSE CITY,*  
 14          *MICHIGAN.—Project for navigation, Traverse City*  
 15          *Harbor, Traverse City, Michigan.*

16          (9) *TOWER HARBOR, TOWER, MINNESOTA.—*  
 17          *Project for navigation, Tower Harbor, Tower, Min-*  
 18          *nesota.*

19          (10) *OLCOTT HARBOR, OLCOTT, NEW YORK.—*  
 20          *Project for navigation, Olcott Harbor, Olcott, New*  
 21          *York.*

22          (b) *SPECIAL RULES.—*

23               (1) *TRAVERSE CITY HARBOR, TRAVERSE CITY,*  
 24               *MICHIGAN.—The Secretary shall review the locally*  
 25               *prepared plan for the project for navigation, Traverse*

1        *City Harbor, Michigan, referred to in subsection (a),*  
 2        *and, if the Secretary determines that the plan meets*  
 3        *the evaluation and design standards of the Corps of*  
 4        *Engineers and that the plan is feasible, the Secretary*  
 5        *may use the plan to carry out the project and shall*  
 6        *provide credit toward the non-Federal share of the*  
 7        *cost of the project for the cost of work carried out by*  
 8        *the non-Federal interest before the date of the partner-*  
 9        *ship agreement for the project if the Secretary deter-*  
 10       *mines that the work is integral to the project.*

11            (2) *TOWER HARBOR, TOWER MINNESOTA.—The*  
 12        *Secretary shall carry out the project for navigation,*  
 13        *Tower Harbor, Tower, Minnesota, referred to in sub-*  
 14        *section (a) if the Secretary determines that the project*  
 15        *is feasible.*

16        **SEC. 1005. SMALL PROJECTS FOR IMPROVEMENT OF THE**  
 17                                **QUALITY OF THE ENVIRONMENT.**

18        *The Secretary shall conduct a study for each of the*  
 19        *following projects and, if the Secretary determines that a*  
 20        *project is appropriate, may carry out the project under sec-*  
 21        *tion 1135 of the Water Resources Development Act of 1986*  
 22        *(33 U.S.C. 2309a):*

23            (1) *BALLONA CREEK, LOS ANGELES COUNTY,*  
 24        *CALIFORNIA.—Project for improvement of the quality*

1       *of the environment, Ballona Creek, Los Angeles Coun-*  
2       *ty, California.*

3               (2) *BALLONA LAGOON TIDE GATES, MARINA DEL*  
4       *REY, CALIFORNIA.—Project for improvement of the*  
5       *quality of the environment, Ballona Lagoon Tide*  
6       *Gates, Marina Del Rey, California.*

7               (3) *FT. GEORGE INLET, DUVAL COUNTY, FLOR-*  
8       *IDA.—Project for improvement of the quality of the*  
9       *environment, Ft. George Inlet, Duval County, Flor-*  
10       *ida.*

11              (4) *RATHBUN LAKE, IOWA.—Project for improve-*  
12       *ment of the quality of the environment, Rathbun*  
13       *Lake, Iowa.*

14              (5) *SMITHVILLE LAKE, MISSOURI.—Project for*  
15       *improvement of the quality of the environment,*  
16       *Smithville Lake, Missouri.*

17              (6) *DELAWARE BAY, NEW JERSEY AND DELA-*  
18       *WARE.—Project for improvement of the quality of the*  
19       *environment, Delaware Bay, New Jersey and Dela-*  
20       *ware, for the purpose of oyster restoration.*

21              (7) *TIOGA-HAMMOND LAKES, PENNSYLVANIA.—*  
22       *Project for improvement of the quality of the environ-*  
23       *ment, Tioga-Hammond Lakes, Pennsylvania.*

1 **SEC. 1006. SMALL PROJECTS FOR AQUATIC ECOSYSTEM**  
2 **RESTORATION.**

3 (a) *IN GENERAL.*—*The Secretary shall conduct a*  
4 *study for each of the following projects and, if the Secretary*  
5 *determines that a project is appropriate, may carry out the*  
6 *project under section 206 of the Water Resources Develop-*  
7 *ment Act of 1996 (33 U.S.C. 2330):*

8 (1) *CYPRESS CREEK, MONTGOMERY, ALABAMA.*—  
9 *Project for aquatic ecosystem restoration, Cypress*  
10 *Creek, Montgomery, Alabama.*

11 (2) *BLACK LAKE, ALASKA.*—*Project for aquatic*  
12 *ecosystem restoration, Black Lake, Alaska, at the head*  
13 *of the Chignik watershed.*

14 (3) *BEN LOMOND DAM, SANTA CRUZ, CALI-*  
15 *FORNIA.*—*Project for aquatic ecosystem restoration,*  
16 *Ben Lomond Dam, Santa Cruz, California.*

17 (4) *DOCKWEILER BLUFFS, LOS ANGELES COUN-*  
18 *TY, CALIFORNIA.*—*Project for aquatic ecosystem res-*  
19 *toration, Dockweiler Bluffs, Los Angeles County, Cali-*  
20 *fornia.*

21 (5) *SALT RIVER, CALIFORNIA.*—*Project for*  
22 *aquatic ecosystem restoration, Salt River, California.*

23 (6) *SANTA ROSA CREEK, SANTA ROSA, CALI-*  
24 *FORNIA.*—*Project for aquatic ecosystem restoration,*  
25 *Santa Rosa Creek in the vicinity of the Prince Memo-*  
26 *rial Greenway, Santa Rosa, California.*

1           (7) *STOCKTON DEEP WATER SHIP CHANNEL AND*  
2           *LOWER SAN JOAQUIN RIVER, CALIFORNIA.—Project for*  
3           *aquatic ecosystem restoration, Stockton Deep Water*  
4           *Ship Channel and lower San Joaquin River, Cali-*  
5           *fornia.*

6           (8) *SWEETWATER RESERVOIR, SAN DIEGO COUN-*  
7           *TY, CALIFORNIA.—Project for aquatic ecosystem res-*  
8           *toration, Sweetwater Reservoir, San Diego County,*  
9           *California, including efforts to address aquatic nui-*  
10          *sance species.*

11          (9) *BISCAYNE BAY, FLORIDA.—Project for aquat-*  
12          *ic ecosystem restoration, Biscayne Bay, Key Bis-*  
13          *cayne, Florida.*

14          (10) *CLAM BAYOU AND DINKINS BAYOU, SANIBEL*  
15          *ISLAND, FLORIDA.—Project for aquatic ecosystem res-*  
16          *toration, Clam Bayou and Dinkins Bayou, Sanibel*  
17          *Island, Florida.*

18          (11) *CHATTAHOOCHEE FALL LINE, GEORGIA AND*  
19          *ALABAMA.—Project for aquatic ecosystem restoration,*  
20          *Chattahoochee Fall Line, Georgia and Alabama.*

21          (12) *LONGWOOD COVE, GAINESVILLE, GEOR-*  
22          *GIA.—Project for aquatic ecosystem restoration,*  
23          *Longwood Cove, Gainesville, Georgia.*



1           (13) *CITY PARK, UNIVERSITY LAKES, LOU-*  
2           *ISIANA.—Project for aquatic ecosystem restoration,*  
3           *City Park, University Lakes, Louisiana.*

4           (14) *MILL POND, LITTLETON, MASSACHU-*  
5           *SETTS.—Project for aquatic ecosystem restoration,*  
6           *Mill Pond, Littleton, Massachusetts.*

7           (15) *PINE TREE BROOK, MILTON, MASSACHU-*  
8           *SETTS.—Project for aquatic ecosystem restoration,*  
9           *Pine Tree Brook, Milton, Massachusetts.*

10          (16) *RUSH LAKE, MINNESOTA.—Project for*  
11          *aquatic ecosystem restoration, Rush Lake, Minnesota.*

12          (17) *SOUTH FORK OF THE CROW RIVER, HUTCH-*  
13          *INSON, MINNESOTA.—Project for aquatic ecosystem*  
14          *restoration, South Fork of the Crow River, Hutch-*  
15          *inson, Minnesota.*

16          (18) *ST. LOUIS, MISSOURI.—Project for aquatic*  
17          *ecosystem restoration, St. Louis, Missouri.*

18          (19) *TRUCKEE RIVER, RENO, NEVADA.—Project*  
19          *for aquatic ecosystem restoration, Truckee River,*  
20          *Reno, Nevada, including features for fish passage for*  
21          *Washoe County.*

22          (20) *GROVER'S MILL POND, NEW JERSEY.—*  
23          *Project for aquatic ecosystem restoration, Grover's*  
24          *Mill Pond, New Jersey.*

1           (21) *DUGWAY CREEK, BRATENAHL, OHIO.—*  
 2           *Project for aquatic ecosystem restoration, Dugway*  
 3           *Creek, Bratenahl, Ohio.*

4           (22) *JOHNSON CREEK, GRESHAM, OREGON.—*  
 5           *Project for aquatic ecosystem restoration, Johnson*  
 6           *Creek, Gresham, Oregon.*

7           (23) *BEAVER CREEK, BEAVER AND SALEM, PENN-*  
 8           *SYLVANIA.—Project for aquatic ecosystem restoration,*  
 9           *Beaver Creek, Beaver and Salem, Pennsylvania.*

10          (24) *CEMENTON DAM, LEHIGH RIVER, PENNSYL-*  
 11          *VANIA.—Project for aquatic ecosystem restoration,*  
 12          *Cementon Dam, Lehigh River, Pennsylvania.*

13          (25) *SAUCON CREEK, NORTHAMPTON COUNTY,*  
 14          *PENNSYLVANIA.—Project for aquatic ecosystem res-*  
 15          *toration, Saucon Creek, Northampton County, Penn-*  
 16          *sylvania.*

17          (26) *BLACKSTONE RIVER, RHODE ISLAND.—*  
 18          *Project for aquatic ecosystem restoration, Blackstone*  
 19          *River, Rhode Island.*

20          (27) *WILSON BRANCH, CHERAW, SOUTH CARO-*  
 21          *LINA.—Project for aquatic ecosystem restoration, Wil-*  
 22          *son Branch, Cheraw, South Carolina.*

23          (28) *WHITE RIVER, BETHEL, VERMONT.—Project*  
 24          *for aquatic ecosystem restoration, White River, Bethel,*  
 25          *Vermont.*

1       (b) *SPECIAL RULE.*—*The Secretary shall carry out the*  
 2   *project for aquatic ecosystem restoration, Black Lake, Alas-*  
 3   *ka referred to in subsection (a) if the Secretary determines*  
 4   *that the project is feasible.*

5   **SEC. 1007. SMALL PROJECTS FOR SHORELINE PROTECTION.**

6       *The Secretary shall conduct a study for each of the*  
 7   *following projects and, if the Secretary determines that a*  
 8   *project is feasible, may carry out the project under section*  
 9   *3 of the Act entitled “An Act authorizing Federal participa-*  
 10   *tion in the cost of protecting the shores of publicly owned*  
 11   *property”, approved August 13, 1946 (33 U.S.C. 426g):*

12           (1) *NELSON LAGOON, ALASKA.*—*Project for shore-*  
 13   *line protection, Nelson Lagoon, Alaska.*

14           (2) *SANIBEL ISLAND, FLORIDA.*—*Project for*  
 15   *shoreline protection, Sanibel Island, Florida.*

16           (3) *APRA HARBOR, GUAM.*—*Project for shoreline*  
 17   *protection, Apra Harbor, Guam.*

18           (4) *PITI, CABRAS ISLAND, GUAM.*—*Project for*  
 19   *shoreline protection, Piti, Cabras Island, Guam.*

20           (5) *NARROWS AND GRAVESEND BAY, UPPER NEW*  
 21   *YORK BAY, BROOKLYN, NEW YORK.*—*Project for shore-*  
 22   *line protection in the vicinity of the confluence of the*  
 23   *Narrows and Gravesend Bay, Upper New York Bay,*  
 24   *Shore Parkway Greenway, Brooklyn, New York.*

1           (6) *DELAWARE RIVER, PHILADELPHIA NAVAL*  
 2           *SHIPYARD, PENNSYLVANIA.—Project for shoreline pro-*  
 3           *tection, Delaware River in the vicinity of the Phila-*  
 4           *delphia Naval Shipyard, Pennsylvania.*

5           (7) *PORT ARANSAS, TEXAS.—Project for shoreline*  
 6           *protection, Port Aransas, Texas.*

7   **SEC. 1008. SMALL PROJECTS FOR SNAGGING AND SEDI-**  
 8           **MENT REMOVAL.**

9           *The Secretary shall conduct a study for the following*  
 10          *project and, if the Secretary determines that the project is*  
 11          *feasible, the Secretary may carry out the project under sec-*  
 12          *tion 2 of the Flood Control Act of August 28, 1937 (33*  
 13          *U.S.C. 701g): Project for removal of snags and clearing and*  
 14          *straightening of channels for flood control, Kowawese*  
 15          *Unique Area and Hudson River, New Windsor, New York.*

16   **TITLE II—GENERAL PROVISIONS**

17   **SEC. 2001. NON-FEDERAL CONTRIBUTIONS.**

18          *Section 103 of the Water Resources Development Act*  
 19          *of 1986 (33 U.S.C. 2213) is amended by adding at the end*  
 20          *the following:*

21           “(n) *NON-FEDERAL CONTRIBUTIONS.—*

22                   “(1) *PROHIBITION ON SOLICITATION OF EXCESS*  
 23           *CONTRIBUTIONS.—The Secretary may not—*

24                           “(A) *solicit contributions from non-Federal*  
 25                   *interests for costs of constructing authorized*

1           *water resources projects or measures in excess of*  
 2           *the non-Federal share assigned to the appro-*  
 3           *priate project purposes listed in subsections (a),*  
 4           *(b), and (c); or*

5           *“(B) condition Federal participation in*  
 6           *such projects or measures on the receipt of such*  
 7           *contributions.*

8           “(2) *LIMITATION ON STATUTORY CONSTRUC-*  
 9           *TION.—Nothing in this subsection shall be construed*  
 10          *to affect the Secretary’s authority under section*  
 11          *903(c).”.*

12   **SEC. 2002. HARBOR COST SHARING.**

13          (a) *PAYMENTS DURING CONSTRUCTION.—Section*  
 14          *101(a)(1) of the Water Resources Development Act of 1986*  
 15          *(33 U.S.C. 2211(a)(1); 100 Stat. 4082) is amended in each*  
 16          *of subparagraphs (B) and (C) by striking “45 feet” and*  
 17          *inserting “53 feet”.*

18          (b) *OPERATION AND MAINTENANCE.—Section*  
 19          *101(b)(1) of such Act (33 U.S.C. 2211(b)(1)) is amended*  
 20          *by striking “45 feet” and inserting “53 feet”.*

21          (c) *DEFINITIONS.—Section 214 of such Act (33 U.S.C.*  
 22          *2241; 100 Stat. 4108) is amended in each of paragraphs*  
 23          *(1) and (3) by striking “45 feet” and inserting “53 feet”.*

24          (d) *APPLICABILITY.—The amendments made by sub-*  
 25          *sections (a), (b), and (c) shall apply only to a project, or*

1 *separable element of a project, on which a contract for phys-*  
 2 *ical construction has not been awarded before October 1,*  
 3 *2003.*

4 *(e) REVISION OF PARTNERSHIP AGREEMENT.—The*  
 5 *Secretary shall revise any partnership agreement entered*  
 6 *into after October 1, 2003, for any project to which the*  
 7 *amendments made by subsections (a), (b), and (c) apply*  
 8 *to take into account the change in non-Federal participa-*  
 9 *tion in the project as a result of such amendments.*

10 **SEC. 2003. FUNDING TO PROCESS PERMITS.**

11 *Section 214(c) of the Water Resources Development Act*  
 12 *of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594; 117 Stat.*  
 13 *1836; 119 Stat. 2169; 120 Stat. 318; 120 Stat. 3197) is*  
 14 *amended by striking “2008” and inserting “2010”.*

15 **SEC. 2004. NATIONAL SHORELINE EROSION CONTROL DE-**  
 16 **VELOPMENT AND DEMONSTRATION PRO-**  
 17 **GRAM.**

18 *(a) EXTENSION OF PROGRAM.—Section 5(a) of the Act*  
 19 *entitled “An Act authorizing Federal participation in the*  
 20 *cost of protecting the shores of publicly owned property”,*  
 21 *approved August 13, 1946 (33 U.S.C. 426h(a)), is amended*  
 22 *by striking “7 years” and inserting “10 years”.*

23 *(b) EXTENSION OF PLANNING, DESIGN, AND CON-*  
 24 *STRUCTION PHASE.—Section 5(b)(1)(A) of such Act (33*

1 *U.S.C. 426h(b)(1)(A)) is amended by striking “3 years”*  
2 *and inserting “6 years”.*

3 *(c) COST SHARING; REMOVAL OF PROJECTS.—Section*  
4 *5(b) of such Act (33 U.S.C. 426h(b)) is amended—*

5 *(1) by redesignating paragraphs (3) and (4) as*  
6 *paragraphs (5) and (6), respectively; and*

7 *(2) by inserting after paragraph (2) the fol-*  
8 *lowing:*

9 *“(3) COST SHARING.—The Secretary may enter*  
10 *into a cost sharing agreement with a non-Federal in-*  
11 *terest to carry out a project, or a phase of a project,*  
12 *under the erosion control program in cooperation*  
13 *with the non-Federal interest.*

14 *“(4) REMOVAL OF PROJECTS.—The Secretary*  
15 *may pay all or a portion of the costs of removing a*  
16 *project, or an element of a project, constructed under*  
17 *the erosion control program if the Secretary deter-*  
18 *mines during the term of the program that the project*  
19 *or element is detrimental to the environment, private*  
20 *property, or public safety.”.*

21 *(d) AUTHORIZATION OF APPROPRIATIONS.—Section*  
22 *5(e)(2) of such Act (33 U.S.C. 426h(e)(2)) is amended by*  
23 *striking “\$25,000,000” and inserting “\$31,000,000”.*

1 **SEC. 2005. SMALL SHORE AND BEACH RESTORATION AND**  
 2 **PROTECTION PROJECTS.**

3 *Section 3 of the Act entitled “An Act authorizing Fed-*  
 4 *eral participation in the cost of protecting the shores of pub-*  
 5 *licly owned property”, approved August 13, 1946 (33*  
 6 *U.S.C. 426g), is amended by striking “\$3,000,000” and in-*  
 7 *serting “\$5,000,000”.*

8 **SEC. 2006. AQUATIC ECOSYSTEM RESTORATION.**

9 *Section 206(e) of the Water Resources Development Act*  
 10 *of 1996 (33 U.S.C. 2330) is amended by striking*  
 11 *“\$25,000,000” and inserting “\$40,000,000”.*

12 **SEC. 2007. SMALL FLOOD DAMAGE REDUCTION PROJECTS.**

13 *Section 205 of the Flood Control Act of 1948 (33*  
 14 *U.S.C. 701s) is amended by striking “\$50,000,000” and in-*  
 15 *serting “\$60,000,000”.*

16 **SEC. 2008. MODIFICATION OF PROJECTS FOR IMPROVE-**  
 17 **MENT OF THE QUALITY OF THE ENVIRON-**  
 18 **MENT.**

19 *Section 1135(h) of the Water Resources Development*  
 20 *Act of 1986 (33 U.S.C. 2309a(h)) is amended by striking*  
 21 *“\$25,000,000” and inserting “\$30,000,000”.*

22 **SEC. 2009. WRITTEN AGREEMENT FOR WATER RESOURCES**  
 23 **PROJECTS.**

24 *(a) IN GENERAL.—Section 221 of the Flood Control*  
 25 *Act of 1970 (42 U.S.C. 1962d–5b) is amended—*



1           (1) by striking “SEC. 221” and inserting the fol-  
2       lowing:

3       **“SEC. 221. WRITTEN AGREEMENT REQUIREMENT FOR**  
4           **WATER RESOURCES PROJECTS.”;**

5           (2) by striking subsection (a) and inserting the  
6       following:

7       “(a) COOPERATION OF NON-FEDERAL INTEREST.—

8           “(1) IN GENERAL.—After December 31, 1970, the  
9       construction of any water resources project, or an ac-  
10      ceptable separable element thereof, by the Secretary of  
11      the Army, acting through the Chief of Engineers, or  
12      by a non-Federal interest where such interest will be  
13      reimbursed for such construction under any provision  
14      of law, shall not be commenced until each non-Federal  
15      interest has entered into a written partnership agree-  
16      ment with the Secretary (or, where appropriate, the  
17      district engineer for the district in which the project  
18      will be carried out) under which each party agrees to  
19      carry out its responsibilities and requirements for im-  
20      plementation or construction of the project or the ap-  
21      propriate element of the project, as the case may be;  
22      except that no such agreement shall be required if the  
23      Secretary determines that the administrative costs as-  
24      sociated with negotiating, executing, or administering  
25      the agreement would exceed the amount of the con-

1        *tribution required from the non-Federal interest and*  
2        *are less than \$25,000.*

3            “(2) *LIQUIDATED DAMAGES.—A partnership*  
4        *agreement described in paragraph (1) may include a*  
5        *provision for liquidated damages in the event of a*  
6        *failure of one or more parties to perform.*

7            “(3) *OBLIGATION OF FUTURE APPROPRIA-*  
8        *TIONS.—In any partnership agreement described in*  
9        *paragraph (1) and entered into by a State, or a body*  
10       *politic of the State which derives its powers from the*  
11       *State constitution, or a governmental entity created*  
12       *by the State legislature, the agreement may reflect*  
13       *that it does not obligate future appropriations for*  
14       *such performance and payment when obligating fu-*  
15       *ture appropriations would be inconsistent with con-*  
16       *stitutional or statutory limitations of the State or a*  
17       *political subdivision of the State.*

18           “(4) *CREDIT FOR IN-KIND CONTRIBUTIONS.—*

19           “(A) *IN GENERAL.—A partnership agree-*  
20       *ment described in paragraph (1) may provide*  
21       *with respect to a project that the Secretary shall*  
22       *credit toward the non-Federal share of the cost of*  
23       *the project, including a project implemented*  
24       *without specific authorization in law, the value*

1       *of in-kind contributions made by the non-Fed-*  
2       *eral interest, including—*

3               “(i) *the costs of planning (including*  
4               *data collection), design, management, miti-*  
5               *gation, construction, and construction serv-*  
6               *ices that are provided by the non-Federal*  
7               *interest for implementation of the project;*

8               “(ii) *the value of materials or services*  
9               *provided before execution of the partnership*  
10              *agreement, including efforts on constructed*  
11              *elements incorporated into the project; and*

12              “(iii) *the value of materials and serv-*  
13              *ices provided after execution of the partner-*  
14              *ship agreement.*

15              “(B) *CONDITION.—The Secretary shall cred-*  
16              *it an in-kind contribution under subparagraph*  
17              *(A) if the Secretary determines that the material*  
18              *or service provided as an in-kind contribution is*  
19              *integral to the project.*

20              “(C) *WORK PERFORMED BEFORE PARTNER-*  
21              *SHIP AGREEMENT.—In any case in which the*  
22              *non-Federal interest is to receive credit under*  
23              *subparagraph (A)(ii) for the cost of work carried*  
24              *out by the non-Federal interest and such work*  
25              *has not been carried out as of the date of enact-*

1           *ment of this subparagraph, the Secretary and the*  
2           *non-Federal interest shall enter into an agree-*  
3           *ment under which the non-Federal interest shall*  
4           *carry out such work, and only work carried out*  
5           *following the execution of the agreement shall be*  
6           *eligible for credit.*

7           “(D)   *LIMITATIONS.—Credit    authorized*  
8           *under this paragraph for a project—*

9                   “(i) *shall not exceed the non-Federal*  
10                  *share of the cost of the project;*

11                  “(ii) *shall not alter any other require-*  
12                  *ment that a non-Federal interest provide*  
13                  *lands, easements or rights-of-way, or areas*  
14                  *for disposal of dredged material for the*  
15                  *project;*

16                  “(iii) *shall not alter any requirement*  
17                  *that a non-Federal interest pay a portion of*  
18                  *the costs of construction of the project under*  
19                  *sections 101 and 103 of the Water Resources*  
20                  *Development Act of 1986 (33 U.S.C. 2211;*  
21                  *33 U.S.C. 2213); and*

22                  “(iv) *shall not exceed the actual and*  
23                  *reasonable costs of the materials, services, or*  
24                  *other things provided by the non-Federal in-*  
25                  *terest, as determined by the Secretary.*

1 “(E) *APPLICABILITY.*—

2 “(i) *IN GENERAL.*—*This paragraph*  
 3 *shall apply to water resources projects au-*  
 4 *thorized after November 16, 1986, including*  
 5 *projects initiated after November 16, 1986,*  
 6 *without specific authorization in law.*

7 “(ii) *LIMITATION.*—*In any case in*  
 8 *which a specific provision of law provides*  
 9 *for a non-Federal interest to receive credit*  
 10 *toward the non-Federal share of the cost of*  
 11 *a study for, or construction or operation*  
 12 *and maintenance of, a water resources*  
 13 *project, the specific provision of law shall*  
 14 *apply instead of this paragraph.”.*

15 (b) *NON-FEDERAL INTEREST.*—*Section 221(b) of such*  
 16 *Act is amended to read as follows:*

17 “(b) *DEFINITION OF NON-FEDERAL INTEREST.*—*The*  
 18 *term ‘non-Federal interest’ means a legally constituted pub-*  
 19 *lic body (including a federally recognized Indian tribe), and*  
 20 *a nonprofit entity with the consent of the affected local gov-*  
 21 *ernment, that has full authority and capability to perform*  
 22 *the terms of its agreement and to pay damages, if necessary,*  
 23 *in the event of failure to perform.”.*

24 (c) *PROGRAM ADMINISTRATION.*—*Section 221 of such*  
 25 *Act is further amended—*

1           (1) *by redesignating subsection (e) as subsection*  
2           *(h); and*

3           (2) *by inserting after subsection (d) the fol-*  
4           *lowing:*

5           “(e) *DELEGATION OF AUTHORITY.—Not later than*  
6           *September 30, 2008, the Secretary shall issue policies and*  
7           *guidelines for partnership agreements that delegate to the*  
8           *district engineers, at a minimum—*

9           “(1) *the authority to approve any policy in a*  
10          *partnership agreement that has appeared in an agree-*  
11          *ment previously approved by the Secretary;*

12          “(2) *the authority to approve any policy in a*  
13          *partnership agreement the specific terms of which are*  
14          *dictated by law or by a final feasibility study, final*  
15          *environmental impact statement, or other final deci-*  
16          *sion document for a water resources project;*

17          “(3) *the authority to approve any partnership*  
18          *agreement that complies with the policies and guide-*  
19          *lines issued by the Secretary; and*

20          “(4) *the authority to sign any partnership agree-*  
21          *ment for any water resources project unless, within 30*  
22          *days of the date of authorization of the project, the*  
23          *Secretary notifies the district engineer in which the*  
24          *project will be carried out that the Secretary wishes*

1       to retain the prerogative to sign the partnership  
2       agreement for that project.

3       “(f) *REPORT TO CONGRESS.*—Not later than 2 years  
4       after the date of enactment of this subsection, and every  
5       year thereafter, the Secretary shall submit to Congress a  
6       report detailing the following:

7               “(1) *The number of partnership agreements*  
8       *signed by district engineers and the number of part-*  
9       *nership agreements signed by the Secretary.*

10              “(2) *For any partnership agreement signed by*  
11       *the Secretary, an explanation of why delegation to the*  
12       *district engineer was not appropriate.*

13       “(g) *PUBLIC AVAILABILITY.*—Not later than 120 days  
14       after the date of enactment of this subsection, the Chief of  
15       Engineers shall—

16              “(1) *ensure that each district engineer has made*  
17       *available to the public, including on the Internet, all*  
18       *partnership agreements entered into under this sec-*  
19       *tion within the preceding 10 years and all partner-*  
20       *ship agreements for water resources projects currently*  
21       *being carried out in that district; and*

22              “(2) *make each partnership agreement entered*  
23       *into after such date of enactment available to the pub-*  
24       *lic, including on the Internet, not later than 7 days*

1       *after the date on which such agreement is entered*  
2       *into.”.*

3       (d) *LOCAL COOPERATION.*—Section 912(b) of the  
4 *Water Resources Development Act of 1986 (101 Stat. 4190)*  
5 *is amended—*

6               (1) *in paragraph (2)—*

7                       (A) *by striking “shall” the first place it ap-*  
8                       *pears and inserting “may”; and*

9                       (B) *by striking the last sentence; and*

10              (2) *in paragraph (4)—*

11                      (A) *by inserting after “injunction, for” the*  
12                      *following: “payment of damages or, for”;*

13                      (B) *by striking “to collect a civil penalty*  
14                      *imposed under this section,”; and*

15                      (C) *by striking “any civil penalty imposed*  
16                      *under this section,” and inserting “any dam-*  
17                      *ages,”.*

18       (e) *APPLICABILITY.*—*The amendments made by sub-*  
19 *sections (a), (b), and (d) only apply to partnership agree-*  
20 *ments entered into after the date of enactment of this Act;*  
21 *except that, at the request of a non-Federal interest for a*  
22 *project, the district engineer for the district in which the*  
23 *project is located may amend a project partnership agree-*  
24 *ment entered into on or before such date and under which*  
25 *construction on the project has not been initiated as of such*



1 *date of enactment for the purpose of incorporating such*  
 2 *amendments.*

3 *(f) PARTNERSHIP AND COOPERATIVE ARRANGEMENTS;*

4 *REFERENCES.—*

5 *(1) IN GENERAL.—A goal of agreements entered*  
 6 *into under section 221 of the Flood Control Act of*  
 7 *1970 (42 U.S.C. 1962d–5b) shall be to further part-*  
 8 *nership and cooperative arrangements, and the agree-*  
 9 *ments shall be referred to as “partnership agree-*  
 10 *ments”.*

11 *(2) REFERENCES TO COOPERATION AGREE-*  
 12 *MENTS.—Any reference in a law, regulation, docu-*  
 13 *ment, or other paper of the United States to a “co-*  
 14 *operation agreement” or “project cooperation agree-*  
 15 *ment” shall be deemed to be a reference to a “partner-*  
 16 *ship agreement” or a “project partnership agree-*  
 17 *ment”, respectively.*

18 *(3) REFERENCES TO PARTNERSHIP AGREE-*  
 19 *MENTS.—Any reference to a “partnership agreement”*  
 20 *or “project partnership agreement” in this Act (other*  
 21 *than this section) shall be deemed to be a reference to*  
 22 *a “cooperation agreement” or a “project cooperation*  
 23 *agreement”, respectively.*

1 **SEC. 2010. ASSISTANCE FOR REMEDIATION, RESTORATION,**  
2 **AND REUSE.**

3 (a) *IN GENERAL.*—*The Secretary may provide to State*  
4 *and local governments assessment, planning, and design as-*  
5 *sistance for remediation, environmental restoration, or*  
6 *reuse of areas located within the boundaries of such State*  
7 *or local governments where such remediation, environ-*  
8 *mental restoration, or reuse will contribute to the improve-*  
9 *ment of water quality or the conservation of water and re-*  
10 *lated resources of drainage basins and watersheds within*  
11 *the United States.*

12 (b) *NON-FEDERAL SHARE.*—*The non-Federal share of*  
13 *the cost of assistance provided under subsection (a) shall*  
14 *be 50 percent.*

15 (c) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*  
16 *authorized to be appropriated to carry out this section*  
17 *\$30,000,000 for each of fiscal years 2008 through 2012.*

18 **SEC. 2011. COMPILATION OF LAWS.**

19 (a) *COMPILATION OF LAWS ENACTED AFTER NOVEM-*  
20 *BER 8, 1966.*—*Not later than one year after the date of*  
21 *enactment of this Act, the Secretary and the Chief of Engi-*  
22 *neers shall prepare a compilation of the laws of the United*  
23 *States relating to the improvement of rivers and harbors,*  
24 *flood damage reduction, beach and shoreline erosion, hurri-*  
25 *cane and storm damage reduction, ecosystem and environ-*  
26 *mental restoration, and other water resources development*

1 *enacted after November 8, 1966, and before January 1,*  
2 *2008, and have such compilation printed for the use of the*  
3 *Department of the Army, Congress, and the general public.*

4 *(b) REPRINT OF LAWS ENACTED BEFORE NOVEMBER*  
5 *8, 1966.—The Secretary shall have the volumes containing*  
6 *the laws referred to in subsection (a) enacted before Novem-*  
7 *ber 8, 1966, reprinted.*

8 *(c) INDEX.—The Secretary shall include an index in*  
9 *each volume compiled, and each volume reprinted, pursuant*  
10 *to this section.*

11 *(d) CONGRESSIONAL COPIES.—Not later than Decem-*  
12 *ber 1, 2008, the Secretary shall transmit at least 25 copies*  
13 *of each volume compiled, and of each volume reprinted, pur-*  
14 *suant to this section to each of the Committee on Transpor-*  
15 *tation and Infrastructure of the House of Representatives*  
16 *and the Committee on Environment and Public Works of*  
17 *the Senate.*

18 *(e) AVAILABILITY.—The Secretary shall ensure that*  
19 *each volume compiled, and each volume reprinted, pursuant*  
20 *to this section are available through electronic means, in-*  
21 *cluding the Internet.*

22 **SEC. 2012. DREDGED MATERIAL DISPOSAL.**

23 *Section 217 of the Water Resources Development Act*  
24 *of 1996 (33 U.S.C. 2326a) is amended—*

1           (1) *by redesignating subsection (c) as subsection*  
2           *(d);*

3           (2) *by inserting after subsection (b) the fol-*  
4           *lowing:*

5           “(c) *DREDGED MATERIAL FACILITY.—*

6           “(1) *IN GENERAL.—The Secretary may enter*  
7           *into a partnership agreement under section 221 of the*  
8           *Flood Control Act of 1970 (42 U.S.C. 1962d–5b) with*  
9           *one or more non-Federal interests with respect to a*  
10          *water resources project, or group of water resources*  
11          *projects within a geographic region, if appropriate,*  
12          *for the acquisition, design, construction, management,*  
13          *or operation of a dredged material processing, treat-*  
14          *ment, contaminant reduction, or disposal facility (in-*  
15          *cluding any facility used to demonstrate potential*  
16          *beneficial uses of dredged material, which may in-*  
17          *clude effective sediment contaminant reduction tech-*  
18          *nologies) using funds provided in whole or in part by*  
19          *the Federal Government.*

20          “(2) *PERFORMANCE.—One or more of the parties*  
21          *to a partnership agreement under this subsection may*  
22          *perform the acquisition, design, construction, manage-*  
23          *ment, or operation of a dredged material processing,*  
24          *treatment, contaminant reduction, or disposal facil-*  
25          *ity.*

1           “(3) *MULTIPLE PROJECTS.*—If a facility to  
 2           which this subsection applies serves to manage  
 3           dredged material from multiple water resources  
 4           projects located in the geographic region of the facil-  
 5           ity, the Secretary may combine portions of such  
 6           projects with appropriate combined costsharing be-  
 7           tween the various projects in a partnership agreement  
 8           for the facility under this subsection.

9           “(4) *SPECIFIED FEDERAL FUNDING SOURCES*  
 10          *AND COST SHARING.*—

11           “(A) *SPECIFIED FEDERAL FUNDING.*—A  
 12          partnership agreement with respect to a facility  
 13          under this subsection shall specify—

14           “(i) the Federal funding sources and  
 15          combined cost-sharing when applicable to  
 16          multiple water resources projects; and

17           “(ii) the responsibilities and risks of  
 18          each of the parties relating to present and  
 19          future dredged material managed by the fa-  
 20          cility.

21           “(B) *MANAGEMENT OF SEDIMENTS.*—

22           “(i) *IN GENERAL.*—A partnership  
 23          agreement under this subsection may in-  
 24          clude the management of sediments from the  
 25          maintenance dredging of Federal water re-

1           *sources projects that do not have partner-*  
 2           *ship agreements.*

3                   “(ii) *PAYMENTS.—A partnership*  
 4           *agreement under this subsection may allow*  
 5           *the non-Federal interest to receive reimburs-*  
 6           *able payments from the Federal Government*  
 7           *for commitments made by the non-Federal*  
 8           *interest for disposal or placement capacity*  
 9           *at dredged material processing, treatment,*  
 10           *contaminant reduction, or disposal facili-*  
 11           *ties.*

12                   “(C) *CREDIT.—A partnership agreement*  
 13           *under this subsection may allow costs incurred*  
 14           *by the non-Federal interest before execution of*  
 15           *the partnership agreement to be credited in ac-*  
 16           *cordance with section 221(a)(4) of the Flood*  
 17           *Control Act of 1970 (42 U.S.C. 1962d–5b(a)(4)).*

18                   “(5) *CREDIT.—*

19                   “(A) *EFFECT ON EXISTING AGREEMENTS.—*  
 20           *Nothing in this subsection supersedes or modifies*  
 21           *an agreement in effect on the date of enactment*  
 22           *of this paragraph between the Federal Govern-*  
 23           *ment and any non-Federal interest for the cost-*  
 24           *sharing, construction, and operation and main-*  
 25           *tenance of a water resources project.*

“(B) *CREDIT FOR FUNDS.*—Subject to the approval of the Secretary and in accordance with law (including regulations and policies) in effect on the date of enactment of this paragraph, a non-Federal interest for a water resources project may receive credit for funds provided for the acquisition, design, construction, management, or operation of a dredged material processing, treatment, contaminant reduction, or disposal facility to the extent the facility is used to manage dredged material from the project.

“(C) *NON-FEDERAL INTEREST RESPONSIBILITIES.*—A non-Federal interest entering into a partnership agreement under this subsection for a facility shall—

“(i) be responsible for providing all necessary lands, easements, rights-of-way, and relocations associated with the facility; and

“(ii) receive credit toward the non-Federal share of the cost of the project with respect to which the agreement is being entered into for those items.”; and

(3) in paragraphs (1) and (2)(A) of subsection (d) (as redesignated by paragraph (1))—

1           (A) by inserting “and maintenance” after  
2           “operation” each place it appears; and

3           (B) by inserting “processing, treatment,  
4           contaminant reduction, or” after “dredged mate-  
5           rial” the first place it appears in each of those  
6           paragraphs.

7 **SEC. 2013. WETLANDS MITIGATION.**

8           *In carrying out a water resources project that involves*  
9           *wetlands mitigation and that has impacts that occur within*  
10          *the same watershed of a mitigation bank, the Secretary, to*  
11          *the maximum extent practicable and where appropriate,*  
12          *shall first consider the use of the mitigation bank if the bank*  
13          *contains sufficient available credits to offset the impact and*  
14          *the bank is approved in accordance with the Federal Guid-*  
15          *ance for the Establishment, Use and Operation of Mitiga-*  
16          *tion Banks (60 Fed. Reg. 58605) or other applicable Federal*  
17          *law (including regulations).*

18 **SEC. 2014. MITIGATION FOR FISH AND WILDLIFE LOSSES.**

19          (a) *MITIGATION PLAN CONTENTS.*—Section 906(d) of  
20          *the Water Resources Development Act of 1986 (33 U.S.C.*  
21          *2283(d)) is amended by adding at the end the following:*

22                 “(3) *CONTENTS.*—A mitigation plan shall in-  
23                 clude—

24                         “(A) a description of the physical action to  
25                         be undertaken to achieve the mitigation objectives



1       *within the watershed in which such losses occur*  
2       *and, in any case in which mitigation must take*  
3       *place outside the watershed, a justification de-*  
4       *tailing the rationale for undertaking the mitiga-*  
5       *tion outside of the watershed;*

6               “(B) a description of the lands or interests  
7       *in lands to be acquired for mitigation and the*  
8       *basis for a determination that such lands are*  
9       *available for acquisition;*

10              “(C) the type, amount, and characteristics  
11       *of the habitat being restored;*

12              “(D) success criteria for mitigation based  
13       *on replacement of lost functions and values of the*  
14       *habitat, including hydrologic and vegetative*  
15       *characteristics; and*

16              “(E) a plan for any necessary monitoring  
17       *to determine the success of the mitigation, in-*  
18       *cluding the cost and duration of any monitoring*  
19       *and, to the extent practicable, the entities respon-*  
20       *sible for any monitoring.*

21              “(4) *RESPONSIBILITY FOR MONITORING.—In any*  
22       *case in which it is not practicable to identify in a*  
23       *mitigation plan for a water resources project, the en-*  
24       *tity responsible for monitoring at the time of a final*  
25       *report of the Chief of Engineers or other final decision*

1     *document for the project, such entity shall be identi-*  
 2     *fied in the partnership agreement entered into with*  
 3     *the non-Federal interest.”.*

4     ***(b) STATUS REPORT.—***

5             ***(1) IN GENERAL.—****Concurrent with the Presi-*  
 6     *dent’s submission to Congress of the President’s re-*  
 7     *quest for appropriations for the Civil Works Program*  
 8     *for a fiscal year, the Secretary shall submit to the*  
 9     *Committee on Transportation and Infrastructure of*  
 10    *the House of Representatives and the Committee on*  
 11    *Environment and Public Works of the Senate a report*  
 12    *on the status of construction of projects that require*  
 13    *mitigation under section 906 of the Water Resources*  
 14    *Development Act of 1986 (33 U.S.C. 2283; 100 Stat.*  
 15    *4186) and the status of such mitigation.*

16            ***(2) PROJECTS INCLUDED.—****The status report*  
 17    *shall include the status of all projects that are under*  
 18    *construction, all projects for which the President re-*  
 19    *quests funding for the next fiscal year, and all*  
 20    *projects that have completed construction, but have*  
 21    *not completed the mitigation required under section*  
 22    *906 of the Water Resources Development Act of 1986.*

23    **SEC. 2015. REMOTE AND SUBSISTENCE HARBORS.**

24            ***(a) IN GENERAL.—****In conducting a study of harbor*  
 25    *and navigation improvements, the Secretary may rec-*

1 *commend a project without the need to demonstrate that the*  
2 *project is justified solely by national economic development*  
3 *benefits if the Secretary determines that—*

4 *(1)(A) the community to be served by the project*  
5 *is at least 70 miles from the nearest surface accessible*  
6 *commercial port and has no direct rail or highway*  
7 *link to another community served by a surface acces-*  
8 *sible port or harbor; or*

9 *(B) the project would be located in the Common-*  
10 *wealth of Puerto Rico, Guam, the Commonwealth of*  
11 *the Northern Mariana Islands, the United States Vir-*  
12 *gin Islands, or American Samoa;*

13 *(2) the harbor is economically critical such that*  
14 *over 80 percent of the goods transported through the*  
15 *harbor would be consumed within the community*  
16 *served by the harbor and navigation improvement;*  
17 *and*

18 *(3) the long-term viability of the community*  
19 *would be threatened without the harbor and naviga-*  
20 *tion improvement.*

21 *(b) JUSTIFICATION.—In considering whether to rec-*  
22 *commend a project under subsection (a), the Secretary shall*  
23 *consider the benefits of the project to—*

1           (1) *public health and safety of the local commu-*  
 2           *nity, including access to facilities designed to protect*  
 3           *public health and safety;*

4           (2) *access to natural resources for subsistence*  
 5           *purposes;*

6           (3) *local and regional economic opportunities;*

7           (4) *welfare of the local population; and*

8           (5) *social and cultural value to the community.*

9   **SEC. 2016. BENEFICIAL USES OF DREDGED MATERIAL.**

10       (a) *IN GENERAL.*—Section 204 of the Water Resources  
 11       *Development Act of 1992 (33 U.S.C. 2326) is amended by*  
 12       *striking subsections (c) through (g) and inserting the fol-*  
 13       *lowing:*

14       “(c) *IN GENERAL.*—The Secretary may carry out  
 15       *projects to transport and place sediment obtained in con-*  
 16       *nection with the construction, operation, or maintenance of*  
 17       *an authorized water resources project at locations selected*  
 18       *by a non-Federal entity for use in the construction, repair,*  
 19       *or rehabilitation of projects determined by the Secretary to*  
 20       *be in the public interest and associated with navigation,*  
 21       *flood damage reduction, hydroelectric power, municipal*  
 22       *and industrial water supply, agricultural water supply,*  
 23       *recreation, hurricane and storm damage reduction, aquatic*  
 24       *plant control, and environmental protection and restora-*  
 25       *tion.*

1       “(d) *COOPERATIVE AGREEMENT.*—Any project under-  
2   taken pursuant to this section shall be initiated only after  
3   non-Federal interests have entered into an agreement with  
4   the Secretary in which the non-Federal interests agree to  
5   pay the non-Federal share of the cost of construction of the  
6   project and 100 percent of the cost of operation, mainte-  
7   nance, replacement, and rehabilitation of the project in ac-  
8   cordance with section 103 of the Water Resources Develop-  
9   ment Act of 1986 (33 U.S.C. 2213).

10       “(e) *SPECIAL RULE.*—Construction of a project under  
11   subsection (a) for one or more of the purposes of protection,  
12   restoration, or creation of aquatic and ecologically related  
13   habitat, the cost of which does not exceed \$750,000 and  
14   which will be located in a disadvantaged community as de-  
15   termined by the Secretary, may be carried out at Federal  
16   expense.

17       “(f) *DETERMINATION OF CONSTRUCTION COSTS.*—  
18   Costs associated with construction of a project under this  
19   section shall be limited solely to construction costs that are  
20   in excess of those costs necessary to carry out the dredging  
21   for construction, operation, or maintenance of the author-  
22   ized water resources project in the most cos- effective way,  
23   consistent with economic, engineering, and environmental  
24   criteria.

1       “(g) *SELECTION OF SEDIMENT DISPOSAL METHOD.*—  
2 *In developing and carrying out a water resources project*  
3 *involving the disposal of sediment, the Secretary may select,*  
4 *with the consent of the non-Federal interest, a disposal*  
5 *method that is not the least cost option if the Secretary de-*  
6 *termines that the incremental costs of such disposal method*  
7 *are reasonable in relation to the environmental benefits, in-*  
8 *cluding the benefits to the aquatic environment to be derived*  
9 *from the creation of wetlands and control of shoreline ero-*  
10 *sion. The Federal share of such incremental costs shall be*  
11 *determined in accordance with subsections (d) and (f).*

12       “(h) *NONPROFIT ENTITIES.*—*Notwithstanding section*  
13 *221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–*  
14 *5b), for any project carried out under this section, a non-*  
15 *Federal interest may include a nonprofit entity, with the*  
16 *consent of the affected local government.*

17       “(i) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*  
18 *authorized to be appropriated \$30,000,000 annually for*  
19 *projects under this section of which not more than*  
20 *\$3,000,000 annually may be used for construction of*  
21 *projects described in subsection (e). Such sums shall remain*  
22 *available until expended.*

23       “(j) *REGIONAL SEDIMENT MANAGEMENT PLANNING.*—  
24 *In consultation with appropriate State and Federal agen-*  
25 *cies, the Secretary may develop, at Federal expense, plans*

1 *for regional management of sediment obtained in conjunc-*  
2 *tion with the construction, operation, or maintenance of*  
3 *water resources projects, including potential beneficial uses*  
4 *of sediment for construction, repair, or rehabilitation of*  
5 *public projects for navigation, flood damage reduction, hy-*  
6 *droelectric power, municipal and industrial water supply,*  
7 *agricultural water supply, recreation, hurricane and storm*  
8 *damage reduction, aquatic plant control, and environ-*  
9 *mental protection and restoration.*

10 “(k) *USE OF FUNDS.*—

11 “(1) *NON-FEDERAL INTEREST.*—*The non-Federal*  
12 *interest for a project described in this section may*  
13 *use, and the Secretary shall accept, funds provided*  
14 *under any other Federal program, to satisfy, in whole*  
15 *or in part, the non-Federal share of the cost of such*  
16 *project if such funds are authorized to be used to*  
17 *carry out such project.*

18 “(2) *OTHER FEDERAL AGENCIES.*—*The non-Fed-*  
19 *eral share of the cost of construction of a project*  
20 *under this section may be met through contributions*  
21 *from a Federal agency made directly to the Secretary,*  
22 *with the consent of the affected local government, if*  
23 *such funds are authorized to be used to carry out such*  
24 *project. Before initiating a project to which this para-*  
25 *graph applies, the Secretary shall enter into an agree-*

1        *ment with a non-Federal interest in which the non-*  
 2        *Federal interest agrees to pay 100 percent of the cost*  
 3        *of operation, maintenance, replacement, and rehabili-*  
 4        *tation of the project.”.*

5        *(b) REPEAL.—*

6            *(1) IN GENERAL.—Section 145 of the Water Re-*  
 7        *sources Development Act of 1976 (33 U.S.C. 426j) is*  
 8        *repealed.*

9            *(2) HOLD HARMLESS.—The repeal made by*  
 10        *paragraph (1) shall not affect the authority of the*  
 11        *Secretary to complete any project being carried out*  
 12        *under such section 145 on the day before the date of*  
 13        *enactment of this Act.*

14        *(c) PRIORITY AREAS.—In carrying out section 204 of*  
 15        *the Water Resources Development Act of 1992 (33 U.S.C.*  
 16        *2326), the Secretary shall give priority to the following:*

17            *(1) A project at Little Rock Slackwater Harbor,*  
 18        *Arkansas.*

19            *(2) A project at Egmont Key, Florida.*

20            *(3) A project in the vicinity of Calcasieu Ship*  
 21        *Channel, Louisiana.*

22            *(4) A project in the vicinity of the Smith Point*  
 23        *Park Pavilion and the TWA Flight 800 Memorial,*  
 24        *Brookhaven, New York.*



1           (5) *A project in the vicinity of Morehead City,*  
 2           *North Carolina.*

3           (6) *A project in the vicinity of Galveston Bay,*  
 4           *Texas.*

5           (7) *A project at Benson Beach, Washington.*

6 **SEC. 2017. COST-SHARING PROVISIONS FOR CERTAIN**  
 7           **AREAS.**

8           *Section 1156 of the Water Resources Development Act*  
 9           *of 1986 (33 U.S.C. 2310; 100 Stat. 4256) is amended to*  
 10          *read as follows:*

11 **“SEC. 1156. COST-SHARING PROVISIONS FOR CERTAIN**  
 12           **AREAS.**

13           *“The Secretary shall waive local cost-sharing require-*  
 14          *ments up to \$500,000 for all studies and projects—*

15           *“(1) in the Commonwealth of Puerto Rico,*  
 16           *American Samoa, Guam, the Commonwealth of the*  
 17           *Northern Mariana Islands, and the United States*  
 18           *Virgin Islands;*

19           *“(2) in Indian country (as defined in section*  
 20           *1151 of title 18, United States Code, and including*  
 21           *lands that are within the jurisdictional area of an*  
 22           *Oklahoma Indian tribe, as determined by the Sec-*  
 23           *retary of the Interior, and are recognized by the Sec-*  
 24           *retary of the Interior as eligible for trust land status*

1       under part 151 of title 25, Code of Federal Regula-  
2       tions); or

3               “(3) on land in the State of Alaska owned by an  
4       Alaska Native Regional Corporation or an Alaska  
5       Native Village Corporation (as those terms are de-  
6       fined in the Alaska Native Claims Settlement Act (43  
7       U.S.C. 1601 et seq.)) or the Metlakatla Indian com-  
8       munity.”.

9       **SEC. 2018. USE OF OTHER FEDERAL FUNDS.**

10       *The non-Federal interest for a water resources study*  
11       *or project may use, and the Secretary shall accept, funds*  
12       *provided by a Federal agency under any other Federal pro-*  
13       *gram, to satisfy, in whole or in part, the non-Federal share*  
14       *of the cost of the study or project if such funds are author-*  
15       *ized to be used to carry out the study or project.*

16       **SEC. 2019. REVISION OF PROJECT PARTNERSHIP AGREE-**  
17       **MENT.**

18       *Upon authorization by law of an increase in the max-*  
19       *imum amount of Federal funds that may be allocated for*  
20       *a water resources project or an increase in the total cost*  
21       *of a water resources project authorized to be carried out*  
22       *by the Secretary, the Secretary shall revise the partnership*  
23       *agreement for the project to take into account the change*  
24       *in Federal participation in the project.*

1 **SEC. 2020. COST SHARING.**

2 *An increase in the maximum amount of Federal funds*  
 3 *that may be allocated for a water resources project, or an*  
 4 *increase in the total cost of a water resources project, au-*  
 5 *thorized to be carried out by the Secretary shall not affect*  
 6 *any cost-sharing requirement applicable to the project.*

7 **SEC. 2021. EXPEDITED ACTIONS FOR EMERGENCY FLOOD**  
 8 **DAMAGE REDUCTION.**

9 *The Secretary shall expedite any authorized planning,*  
 10 *design, and construction of any project for flood damage*  
 11 *reduction for an area that, within the preceding 5 years,*  
 12 *has been subject to flooding that resulted in the loss of life*  
 13 *and caused damage of sufficient severity and magnitude to*  
 14 *warrant a declaration of a major disaster by the President*  
 15 *under the Robert T. Stafford Disaster Relief and Emer-*  
 16 *gency Assistance Act (42 U.S.C. 5121 et seq.).*

17 **SEC. 2022. WATERSHED AND RIVER BASIN ASSESSMENTS.**

18 *(a) IN GENERAL.—Section 729 of the Water Resources*  
 19 *Development Act of 1986 (33 U.S.C. 2267a; 114 Stat. 2587–*  
 20 *2588; 100 Stat. 4164) is amended—*

21 *(1) in subsection (d)—*

22 *(A) by striking “and” at the end of para-*  
 23 *graph (4);*

24 *(B) by striking the period at the end of*  
 25 *paragraph (5) and inserting “;”; and*

26 *(C) by adding at the end the following:*

1           “(6) *Tuscarawas River Basin, Ohio;*  
 2           “(7) *Sauk River Basin, Snohomish and Skagit*  
 3       *Counties, Washington;*  
 4           “(8) *Niagara River Basin, New York;*  
 5           “(9) *Genesee River Basin, New York; and*  
 6           “(10) *White River Basin, Arkansas and Mis-*  
 7       *souri.”;*

8           (2) *by striking paragraph (1) of subsection (f)*  
 9       *and inserting the following:*

10           “(1) *NON-FEDERAL SHARE.—The non-Federal*  
 11       *share of the costs of an assessment carried out under*  
 12       *this section on or after December 11, 2000, shall be*  
 13       *25 percent.”; and*

14           (3) *by striking subsection (g).*

15       (b) *REVISION OF PARTNERSHIP AGREEMENT.—The*  
 16       *Secretary shall revise the partnership agreement for any as-*  
 17       *essment being carried out under such section 729 to take*  
 18       *into account the change in non-Federal participation in the*  
 19       *assessment as a result of the amendments made by sub-*  
 20       *section (a).*

21       **SEC. 2023. TRIBAL PARTNERSHIP PROGRAM.**

22       (a) *SCOPE.—Section 203(b)(1)(B) of the Water Re-*  
 23       *sources Development Act of 2000 (33 U.S.C. 2269(b)(1)(B);*  
 24       *114 Stat. 2589) is amended by inserting after “Code” the*  
 25       *following: “, and including lands that are within the juris-*

1 *dictional area of an Oklahoma Indian tribe, as determined*  
 2 *by the Secretary of the Interior, and are recognized by the*  
 3 *Secretary of the Interior as eligible for trust land status*  
 4 *under part 151 of title 25, Code of Federal Regulations”.*

5 (b) *AUTHORIZATION OF APPROPRIATIONS.—Section*  
 6 *203(e) of such Act is amended by striking “2006” and in-*  
 7 *serting “2012”.*

8 **SEC. 2024. WILDFIRE FIREFIGHTING.**

9 *Section 309 of Public Law 102–154 (42 U.S.C. 1856a–*  
 10 *1; 105 Stat. 1034) is amended by inserting “the Secretary*  
 11 *of the Army,” after “the Secretary of Energy,”.*

12 **SEC. 2025. TECHNICAL ASSISTANCE.**

13 *Section 22 of the Water Resources Development Act of*  
 14 *1974 (42 U.S.C. 1962d–16) is amended—*

15 (1) *in subsection (a) by striking “(a) The Sec-*  
 16 *retary” and inserting the following:*

17 *“(a) FEDERAL STATE COOPERATION.—*

18 *“(1) COMPREHENSIVE PLANS.—The Secretary”;*

19 (2) *by inserting after the last sentence in sub-*  
 20 *section (a) the following:*

21 *“(2) TECHNICAL ASSISTANCE.—*

22 *“(A) IN GENERAL.—At the request of a govern-*  
 23 *mental agency or non-Federal interest, the Secretary*  
 24 *may provide, at Federal expense, technical assistance*

1       to such agency or non-Federal interest in managing  
2       water resources.

3               “(B) *TYPES OF ASSISTANCE.*—*Technical assist-*  
4       *ance under this paragraph may include provision*  
5       *and integration of hydrologic, economic, and environ-*  
6       *mental data and analyses.*”;

7               (3) in subsection (b)(1) by striking “this section”  
8       each place it appears and inserting “subsection  
9       (a)(1)”;

10              (4) in subsection (b)(3) by striking “Up to  $\frac{1}{2}$  of  
11       the” and inserting “The”;

12              (5) in subsection (c) by striking “(c) There is”  
13       and inserting the following:

14       “(c) *AUTHORIZATION OF APPROPRIATIONS.*—

15              “(1) *FEDERAL AND STATE COOPERATION.*—*There*  
16       *is*”;

17              (6) in subsection (c)(1) (as designated by para-  
18       graph (5))—

19              (A) by striking “the provisions of this sec-  
20       tion” and inserting “subsection (a)(1)”;

21              (B) by striking “\$500,000” and inserting  
22       “\$1,000,000”;

23              (7) by inserting at the end of subsection (c) the  
24       following:

1           “(2) *TECHNICAL ASSISTANCE.*—*There is author-*  
 2           *ized to be appropriated \$5,000,000 annually to carry*  
 3           *out subsection (a)(2), of which not more than*  
 4           *\$2,000,000 annually may be used by the Secretary to*  
 5           *enter into cooperative agreements with nonprofit or-*  
 6           *ganizations to provide assistance to rural and small*  
 7           *communities.”;*

8           *(8) by redesignating subsection (d) as subsection*  
 9           *(e); and*

10           *(9) by inserting after subsection (c) the fol-*  
 11           *lowing:*

12           “(d) *ANNUAL SUBMISSION OF PROPOSED ACTIVI-*  
 13           *TIES.*—*Concurrent with the President’s submission to Con-*  
 14           *gress of the President’s request for appropriations for the*  
 15           *Civil Works Program for a fiscal year, the Secretary shall*  
 16           *submit to the Committee on Transportation and Infrastruc-*  
 17           *ture of the House of Representatives and the Committee on*  
 18           *Environment and Public Works of the Senate a report de-*  
 19           *scribing the individual activities proposed for funding*  
 20           *under subsection (a)(1) for that fiscal year.”.*

21           **SEC. 2026. LAKES PROGRAM.**

22           *Section 602(a) of the Water Resources Development*  
 23           *Act of 1986 (100 Stat. 4148; 110 Stat. 3758; 113 Stat. 295)*  
 24           *is amended—*

25           *(1) by striking “and” at end of paragraph (18);*

1           (2) *by striking the period at the end of para-*  
 2           *graph (19) and inserting a semicolon; and*

3           (3) *by adding at the end the following:*

4           “(20) *Kinkaid Lake, Jackson County, Illinois,*  
 5           *removal of silt and aquatic growth and measures to*  
 6           *address excessive sedimentation;*

7           “(21) *McCarter Pond, Borough of Fairhaven,*  
 8           *New Jersey, removal of silt and measures to address*  
 9           *water quality;*

10          “(22) *Rogers Pond, Franklin Township, New*  
 11          *Jersey, removal of silt and restoration of structural*  
 12          *integrity;*

13          “(23) *Greenwood Lake, New York and New Jer-*  
 14          *sey, removal of silt and aquatic growth;*

15          “(24) *Lake Rodgers, Creedmoor, North Carolina,*  
 16          *removal of silt and excessive nutrients and restoration*  
 17          *of structural integrity; and*

18          “(25) *Lake Luxembourg, Pennsylvania.”.*

19   **SEC. 2027. COORDINATION AND SCHEDULING OF FEDERAL,**  
 20           **STATE, AND LOCAL ACTIONS.**

21          (a) *NOTICE OF INTENT.*—*Upon request of the non-Fed-*  
 22          *eral interest in the form of a written notice of intent to*  
 23          *construct or modify a non-Federal water supply, waste-*  
 24          *water infrastructure, flood damage reduction, storm dam-*  
 25          *age reduction, ecosystem restoration, or navigation project*



1 *that requires the approval of the Secretary, the Secretary*  
 2 *shall initiate, subject to subsection (g)(1), procedures to es-*  
 3 *tablish a schedule for consolidating Federal, State, and local*  
 4 *agency and Indian tribe environmental assessments, project*  
 5 *reviews, and issuance of all permits for the construction or*  
 6 *modification of the project. The non-Federal interest shall*  
 7 *submit to the Secretary, with the notice of intent, studies*  
 8 *and documentation, including environmental reviews, that*  
 9 *may be required by Federal law for decisionmaking on the*  
 10 *proposed project. All States and Indian tribes having juris-*  
 11 *isdiction over the proposed project shall be invited by the Sec-*  
 12 *retary, but shall not be required, to participate in carrying*  
 13 *out this section with respect to the project.*

14       (b) *PROCEDURAL REQUIREMENTS.—Within 15 days*  
 15 *after receipt of notice under subsection (a), the Secretary*  
 16 *shall publish such notice in the Federal Register. The Sec-*  
 17 *retary also shall provide written notification of the receipt*  
 18 *of a notice under subsection (a) to all State and local agen-*  
 19 *cies and Indian tribes that may be required to issue permits*  
 20 *for the construction of the project or related activities. The*  
 21 *Secretary shall solicit the cooperation of those agencies and*  
 22 *request their entry into a memorandum of agreement de-*  
 23 *scribed in subsection (c) with respect to the project. Within*  
 24 *30 days after publication of the notice in the Federal Reg-*  
 25 *ister, State and local agencies and Indian tribes that intend*

1 *to enter into the memorandum of agreement with respect*  
2 *to the project shall notify the Secretary of their intent in*  
3 *writing.*

4       (c) *SCHEDULING AGREEMENT.*—*Within 90 days after*  
5 *the date of receipt of notice under subsection (a) with re-*  
6 *spect to a project, the Secretary of the Interior, the Sec-*  
7 *retary of Commerce, and the Administrator of the Environ-*  
8 *mental Protection Agency, as necessary, and any State or*  
9 *local agencies that have notified the Secretary under sub-*  
10 *section (b) shall enter into an agreement with the Secretary*  
11 *establishing a schedule of decisionmaking for approval of*  
12 *the project and permits associated with the project and with*  
13 *related activities.*

14       (d) *CONTENTS OF AGREEMENT.*—*An agreement en-*  
15 *tered into under subsection (c) with respect to a project,*  
16 *to the extent practicable, shall consolidate hearing and com-*  
17 *ment periods, procedures for data collection and report*  
18 *preparation, and the environmental review and permitting*  
19 *processes associated with the project and related activities.*  
20 *The agreement shall detail, to the extent possible, the non-*  
21 *Federal interest's responsibilities for data development and*  
22 *information that may be necessary to process each permit*  
23 *required for the project, including a schedule when the in-*  
24 *formation and data will be provided to the appropriate*  
25 *Federal, State, or local agency or Indian tribe.*

1       (e) *REVISION OF AGREEMENT.*—*The Secretary may re-*  
2 *vis* *an agreement entered into under subsection (c) with*  
3 *respect to a project once to extend the schedule to allow the*  
4 *non-Federal interest the minimum amount of additional*  
5 *time necessary to revise its original application to meet the*  
6 *objections of a Federal, State, or local agency or Indian*  
7 *tribe that is a party to the agreement.*

8       (f) *FINAL DECISION.*—*Not later than the final day of*  
9 *a schedule established by an agreement entered into under*  
10 *subsection (c) with respect to a project, the Secretary shall*  
11 *notify the non-Federal interest of the final decision on the*  
12 *project and whether the permit or permits have been issued.*

13       (g) *COSTS OF COORDINATION.*—*The costs incurred by*  
14 *the Secretary to establish and carry out a schedule to con-*  
15 *solidate Federal, State, and local agency and Indian tribe*  
16 *environmental assessments, project reviews, and permit*  
17 *issuance for a project under this section shall be paid by*  
18 *the non-Federal interest.*

19       (h) *REPORT ON TIMESAVINGS METHODS.*—*Not later*  
20 *than 3 years after the date of enactment of this section, the*  
21 *Secretary shall prepare and transmit to Congress a report*  
22 *estimating the time required for the issuance of all Federal,*  
23 *State, local, and tribal permits for the construction of non-*  
24 *Federal projects for water supply, wastewater infrastruc-*  
25 *ture, flood damage reduction, storm damage reduction, eco-*

1 *system restoration, and navigation. The Secretary shall in-*  
2 *clude in that report recommendations for further reducing*  
3 *the amount of time required for the issuance of those per-*  
4 *mits, including any proposed changes in existing law.*

5 **SEC. 2028. PROJECT STREAMLINING.**

6       (a) *POLICY.*—*The benefits of water resources projects*  
7 *are important to the Nation’s economy and environment,*  
8 *and recommendations to Congress regarding such projects*  
9 *should not be delayed due to uncoordinated or inefficient*  
10 *reviews or the failure to timely resolve disputes during the*  
11 *development of water resources projects.*

12       (b) *SCOPE.*—*This section shall apply to each study*  
13 *initiated after the date of enactment of this Act to develop*  
14 *a feasibility report under section 905 of the Water Resources*  
15 *Development Act of 1986 (33 U.S.C. 2282), or a reevalua-*  
16 *tion report, for a water resources project if the Secretary*  
17 *determines that such study requires an environmental im-*  
18 *pact statement under the National Environmental Policy*  
19 *Act of 1969 (42 U.S.C. 4321 et seq.).*

20       (c) *WATER RESOURCES PROJECT REVIEW PROC-*  
21 *ESS.*—*The Secretary shall develop and implement a coordi-*  
22 *nated review process for the development of water resources*  
23 *projects.*

24       (d) *COORDINATED REVIEWS.*—

1           (1) *IN GENERAL.*—*The coordinated review proc-*  
2           *ess under this section shall provide that all reviews,*  
3           *analyses, opinions, permits, licenses, and approvals*  
4           *that must be issued or made by a Federal, State, or*  
5           *local government agency or Indian tribe for the devel-*  
6           *opment of a water resources project described in sub-*  
7           *section (b) will be conducted, to the maximum extent*  
8           *practicable, concurrently and completed within a*  
9           *time period established by the Secretary, in coopera-*  
10          *tion with the agencies identified under subsection (e)*  
11          *with respect to the project.*

12          (2) *AGENCY PARTICIPATION.*—*Each Federal*  
13          *agency identified under subsection (e) with respect to*  
14          *the development of a water resources project shall for-*  
15          *mulate and implement administrative policy and*  
16          *procedural mechanisms to enable the agency to ensure*  
17          *completion of reviews, analyses, opinions, permits, li-*  
18          *censes, and approvals described in paragraph (1) for*  
19          *the project in a timely and environmentally respon-*  
20          *sible manner.*

21          (e) *IDENTIFICATION OF JURISDICTIONAL AGENCIES.*—  
22          *With respect to the development of each water resources*  
23          *project, the Secretary shall identify, as soon as practicable*  
24          *all Federal, State, and local government agencies and In-*  
25          *dian tribes that may—*

1           (1) *have jurisdiction over the project;*

2           (2) *be required by law to conduct or issue a re-*  
3 *view, analysis, or opinion for the project; or*

4           (3) *be required to make a determination on*  
5 *issuing a permit, license, or approval for the project.*

6       (f) *STATE AUTHORITY.—If the coordinated review*  
7 *process is being implemented under this section by the Sec-*  
8 *retary with respect to the development of a water resources*  
9 *project described in subsection (b) within the boundaries of*  
10 *a State, the State, consistent with State law, may choose*  
11 *to participate in the process and to make subject to the proc-*  
12 *ess all State agencies that—*

13           (1) *have jurisdiction over the project;*

14           (2) *are required to conduct or issue a review,*  
15 *analysis, or opinion for the project; or*

16           (3) *are required to make a determination on*  
17 *issuing a permit, license, or approval for the project.*

18       (g) *MEMORANDUM OF UNDERSTANDING.—The coordi-*  
19 *nated review process developed under this section may be*  
20 *incorporated into a memorandum of understanding for a*  
21 *water resources project between the Secretary, the heads of*  
22 *Federal, State, and local government agencies, Indian tribes*  
23 *identified under subsection (e), and the non-Federal interest*  
24 *for the project.*

25       (h) *EFFECT OF FAILURE TO MEET DEADLINE.—*

1           (1) *NOTIFICATION OF CONGRESS AND CEQ.—If*  
2           *the Secretary determines that a Federal, State, or*  
3           *local government agency, Indian tribe, or non-Federal*  
4           *interest that is participating in the coordinated re-*  
5           *view process under this section with respect to the de-*  
6           *velopment of a water resources project has not met a*  
7           *deadline established under subsection (d) for the*  
8           *project, the Secretary shall notify, within 30 days of*  
9           *the date of such determination, the Committee on*  
10          *Transportation and Infrastructure of the House of*  
11          *Representatives, the Committee on Environment and*  
12          *Public Works of the Senate, the Council on Environ-*  
13          *mental Quality, and the agency, Indian tribe, or non-*  
14          *Federal interest involved about the failure to meet the*  
15          *deadline.*

16          (2) *AGENCY REPORT.—Not later than 30 days*  
17          *after the date of receipt of a notice under paragraph*  
18          *(1), the Federal, State, or local government agency,*  
19          *Indian tribe, or non-Federal interest involved may*  
20          *submit a report to the Secretary, the Committee on*  
21          *Transportation and Infrastructure of the House of*  
22          *Representatives, the Committee on Environment and*  
23          *Public Works of the Senate, and the Council on Envi-*  
24          *ronmental Quality explaining why the agency, In-*  
25          *dian tribe, or non-Federal interest did not meet the*

1       *deadline and what actions it intends to take to com-*  
2       *plete or issue the required review, analysis, or opin-*  
3       *ion or determination on issuing a permit, license, or*  
4       *approval.*

5       *(i) PURPOSE AND NEED AND DETERMINATION OF*  
6       *REASONABLE ALTERNATIVES.—*

7               *(1) IN GENERAL.—The Secretary, as the Federal*  
8       *lead agency responsible for carrying out a study for*  
9       *a water resources project and the associated process*  
10       *for meeting the requirements of the National Environ-*  
11       *mental Policy Act of 1969, shall—*

12               *(A) define the project’s purpose and need for*  
13       *purposes of any document which the Secretary is*  
14       *responsible for preparing for the project and*  
15       *shall determine the range of alternatives for con-*  
16       *sideration in any document which the Secretary*  
17       *is responsible for preparing for the project; and*

18               *(B) determine, in collaboration with par-*  
19       *ticipating agencies at appropriate times during*  
20       *the study process, the methodologies to be used*  
21       *and the level of detail required in the analysis*  
22       *of each alternative for the project.*

23               *(2) PREFERRED ALTERNATIVE.—At the discre-*  
24       *tion of the Secretary, the preferred alternative for a*



1        *project, after being identified, may be developed to a*  
2        *higher level of detail than other alternatives.*

3        (j) *LIMITATIONS.—Nothing in this section shall pre-*  
4        *empt or interfere with—*

5                (1) *any statutory requirement for seeking public*  
6        *comment;*

7                (2) *any power, jurisdiction, or authority that a*  
8        *Federal, State, or local government agency, Indian*  
9        *tribe, or non-Federal interest has with respect to car-*  
10       *rying out a water resources project; or*

11               (3) *any obligation to comply with the provisions*  
12       *of the National Environmental Policy Act of 1969*  
13       *and the regulations issued by the Council on Environ-*  
14       *mental Quality to carry out such Act.*

15    **SEC. 2029. COOPERATIVE AGREEMENTS.**

16        (a) *IN GENERAL.—For the purpose of expediting the*  
17       *cost-effective design and construction of wetlands restora-*  
18       *tion that is part of an authorized water resources project,*  
19       *the Secretary may enter into cooperative agreements under*  
20       *section 6305 of title 31, United States Code, with nonprofit*  
21       *organizations with expertise in wetlands restoration to*  
22       *carry out such design and construction on behalf of the Sec-*  
23       *retary.*

24        (b) *LIMITATIONS.—*

1           (1) *PER PROJECT LIMIT.*—A cooperative agree-  
 2           ment under this section shall not obligate the Sec-  
 3           retary to pay the nonprofit organization more than  
 4           \$1,000,000 for any single wetlands restoration  
 5           project.

6           (2) *ANNUAL LIMIT.*—The total value of work car-  
 7           ried out under cooperative agreements under this sec-  
 8           tion may not exceed \$5,000,000 in any fiscal year.

9   **SEC. 2030. TRAINING FUNDS.**

10          (a) *IN GENERAL.*—The Secretary may include indi-  
 11          viduals not employed by the Department of the Army in  
 12          training classes and courses offered by the Corps of Engi-  
 13          neers in any case in which the Secretary determines that  
 14          it is in the best interest of the Federal Government to in-  
 15          clude those individuals as participants.

16          (b) *EXPENSES.*—

17               (1) *IN GENERAL.*—An individual not employed  
 18               by the Department of the Army attending a training  
 19               class or course described in subsection (a) shall pay  
 20               the full cost of the training provided to the indi-  
 21               vidual.

22               (2) *PAYMENTS.*—Payments made by an indi-  
 23               vidual for training received under paragraph (1), up  
 24               to the actual cost of the training—

25                       (A) may be retained by the Secretary;

1           (B) shall be credited to an appropriations  
2           account used for paying training costs; and

3           (C) shall be available for use by the Sec-  
4           retary, without further appropriation, for train-  
5           ing purposes.

6           (3) *EXCESS AMOUNTS*.—Any payments received  
7           under paragraph (2) that are in excess of the actual  
8           cost of training provided shall be credited as miscella-  
9           neous receipts to the Treasury of the United States.

10 **SEC. 2031. ACCESS TO WATER RESOURCE DATA.**

11       (a) *IN GENERAL*.—The Secretary shall carry out a  
12       program to provide public access to water resources and re-  
13       lated water quality data in the custody of the Corps of En-  
14       gineers.

15       (b) *DATA*.—Public access under subsection (a) shall—

16           (1) include, at a minimum, access to data gen-  
17           erated in water resources project development and  
18           regulation under section 404 of the Federal Water  
19           Pollution Control Act (33 U.S.C. 1344); and

20           (2) appropriately employ geographic informa-  
21           tion system technology and linkages to water resource  
22           models and analytical techniques.

23       (c) *PARTNERSHIPS*.—To the maximum extent prac-  
24       ticable, in carrying out activities under this section, the  
25       Secretary shall develop partnerships, including cooperative

1 *agreements with State, tribal, and local governments and*  
2 *other Federal agencies.*

3       (d) *AUTHORIZATION OF APPROPRIATIONS.—There is*  
4 *authorized to be appropriated to carry out this section*  
5 *\$5,000,000 for each fiscal year.*

6 **SEC. 2032. SHORE PROTECTION PROJECTS.**

7       (a) *IN GENERAL.—In accordance with the Act of July*  
8 *3, 1930 (33 U.S.C. 426), and notwithstanding administra-*  
9 *tive actions, it is the policy of the United States to promote*  
10 *beach nourishment for the purposes of flood damage reduc-*  
11 *tion and hurricane and storm damage reduction and re-*  
12 *lated research that encourage the protection, restoration,*  
13 *and enhancement of sandy beaches, including beach restora-*  
14 *tion and periodic beach renourishment for a period of 50*  
15 *years, on a comprehensive and coordinated basis by the*  
16 *Federal Government, States, localities, and private enter-*  
17 *prises.*

18       (b) *PREFERENCE.—In carrying out the policy under*  
19 *subsection (a), preference shall be given to—*

20               (1) *areas in which there has been a Federal in-*  
21 *vestment of funds for the purposes described in sub-*  
22 *section (a); and*

23               (2) *areas with respect to which the need for pre-*  
24 *vention or mitigation of damage to shores and beaches*

1        *is attributable to Federal navigation projects or other*  
 2        *Federal activities.*

3        (c) *APPLICABILITY.—The Secretary shall apply the*  
 4        *policy under subsection (a) to each shore protection and*  
 5        *beach renourishment project (including shore protection*  
 6        *and beach renourishment projects constructed before the*  
 7        *date of enactment of this Act).*

8        **SEC. 2033. ABILITY TO PAY.**

9        (a) *CRITERIA AND PROCEDURES.—Section 103(m)(2)*  
 10        *of the Water Resources Development Act of 1986 (33 U.S.C.*  
 11        *2213(m)(2)) is amended by striking “180 days after such*  
 12        *date of enactment” and inserting “September 30, 2007”.*

13        (b) *PROJECTS.—The Secretary shall apply the criteria*  
 14        *and procedures referred to in section 103(m) of the Water*  
 15        *Resources Development Act of 1986 (33 U.S.C. 2213(m))*  
 16        *to the following projects:*

17                (1) *ST. JOHNS BAYOU AND NEW MADRID*  
 18        *FLOODWAY, MISSOURI.—The project for flood control,*  
 19        *St. Johns Bayou and New Madrid Floodway, Mis-*  
 20        *souri, authorized by section 401(a) of the Water Re-*  
 21        *sources Development Act of 1986 (100 Stat. 4118).*

22                (2) *LOWER RIO GRANDE BASIN, TEXAS.—The*  
 23        *project for flood control, Lower Rio Grande Basin,*  
 24        *Texas, authorized by section 401(a) of the Water Re-*  
 25        *sources Development Act of 1986 (100 Stat. 4125).*

1           (3)    WEST VIRGINIA AND PENNSYLVANIA  
 2       *PROJECTS.*—*The projects for flood control authorized*  
 3       *by section 581 of the Water Resources Development*  
 4       *Act of 1996 (110 Stat. 3790–3791).*

5   **SEC. 2034. LEASING AUTHORITY.**

6       Section 4 of the Act entitled “An Act authorizing the  
 7   construction of certain public works on rivers and harbors  
 8   for flood control, and other purposes”, approved December  
 9   22, 1944 (16 U.S.C. 460d), is amended—

10           (1) by inserting “federally recognized Indian  
 11       tribes and” before “Federal” the first place it appears;

12           (2) by inserting “Indian tribes or” after “consid-  
 13       erations, to such”; and

14           (3) by inserting “federally recognized Indian  
 15       tribe” after “That in any such lease or license to a”.

16   **SEC. 2035. COST ESTIMATES.**

17       The estimated Federal and non-Federal costs of  
 18   projects authorized to be carried out by the Secretary before,  
 19   on, or after the date of enactment of this Act are for infor-  
 20   mational purposes only and shall not be interpreted as af-  
 21   fecting the cost sharing responsibilities established by law.

22   **SEC. 2036. PROJECT PLANNING.**

23       (a) *DETERMINATION OF CERTAIN NATIONAL BENE-*  
 24       *FITS.*—

1           (1) *SENSE OF CONGRESS.*—*It is the sense of*  
 2           *Congress that, consistent with the Economic and En-*  
 3           *vironmental Principles and Guidelines for Water and*  
 4           *Related Land Resources Implementation Studies*  
 5           *(1983), the Secretary may select a water resources*  
 6           *project alternative that does not maximize net na-*  
 7           *tional economic development benefits or net national*  
 8           *ecosystem restoration benefits if there is an overriding*  
 9           *reason based on other Federal, State, local, or inter-*  
 10          *national concerns.*

11          (2) *FLOOD DAMAGE REDUCTION, NAVIGATION,*  
 12          *AND HURRICANE STORM DAMAGE REDUCTION*  
 13          *PROJECTS.*—*With respect to a water resources project*  
 14          *the primary purpose of which is flood damage reduc-*  
 15          *tion, navigation, or hurricane and storm damage re-*  
 16          *duction, an overriding reason for selecting a plan*  
 17          *other than the plan that maximizes net national eco-*  
 18          *nomie development benefits may be if the Secretary*  
 19          *determines, and the non-Federal interest concurs, that*  
 20          *an alternative plan is feasible and achieves the project*  
 21          *purposes while providing greater ecosystem restora-*  
 22          *tion benefits.*

23          (3) *ECOSYSTEM RESTORATION PROJECTS.*—*With*  
 24          *respect to a water resources project the primary pur-*  
 25          *pose of which is ecosystem restoration, an overriding*

1        *reason for selecting a plan other than the plan that*  
 2        *maximizes net national ecosystem restoration benefits*  
 3        *may be if the Secretary determines, and the non-Fed-*  
 4        *eral interest concurs, that an alternative plan is fea-*  
 5        *sible and achieves the project purposes while pro-*  
 6        *viding greater economic development benefits.*

7        *(b) IDENTIFYING ADDITIONAL BENEFITS AND*  
 8        *PROJECTS.—*

9                *(1) PRIMARILY ECONOMIC BENEFITS.—In con-*  
 10        *ducting a study of the feasibility of a project where*  
 11        *the primary benefits are expected to be economic, the*  
 12        *Secretary may identify ecosystem restoration benefits*  
 13        *that may be achieved in the study area and, after ob-*  
 14        *taining the participation of a non-Federal interest,*  
 15        *may study and recommend construction of additional*  
 16        *measures, a separate project, or separable project ele-*  
 17        *ment to achieve those benefits.*

18                *(2) PRIMARILY ECOSYSTEM RESTORATION BENE-*  
 19        *FITS.—In conducting a study of the feasibility of a*  
 20        *project where the primary benefits are expected to be*  
 21        *associated with ecosystem restoration, the Secretary*  
 22        *may identify economic benefits that may be achieved*  
 23        *in the study area and, after obtaining the participa-*  
 24        *tion of a non-Federal interest, may study and rec-*  
 25        *ommend construction of additional measures, a sepa-*



1       rate project, or separable project element to achieve  
2       those benefits.

3               (3) *RULES APPLICABLE TO CERTAIN MEASURES,*  
4       *PROJECTS, AND ELEMENTS.*—Any additional meas-  
5       ures, separate project, or separable element identified  
6       under paragraph (1) or (2) and recommended for  
7       construction shall not be considered integral to the  
8       underlying project and, if authorized, shall be subject  
9       to a separate partnership agreement, unless a non-  
10      Federal interest agrees to share in the cost of the ad-  
11      ditional measures, project, or separable element.

12      (c) *CALCULATION OF BENEFITS AND COSTS FOR*  
13      *FLOOD DAMAGE REDUCTION PROJECTS.*—A feasibility  
14      study for a project for flood damage reduction shall include,  
15      as part of the calculation of benefits and costs—

16              (1) a calculation of the residual risk of flooding  
17      following completion of the proposed project;

18              (2) a calculation of any upstream or down-  
19      stream impacts of the proposed project; and

20              (3) calculations to ensure that the benefits and  
21      costs associated with structural and nonstructural al-  
22      ternatives are evaluated in an equitable manner.

23      **SEC. 2037. INDEPENDENT PEER REVIEW.**

24      (a) *PROJECT STUDIES SUBJECT TO INDEPENDENT*  
25      *PEER REVIEW.*—

1           (1) *IN GENERAL.*—*Project studies shall be subject*  
2           *to a peer review by an independent panel of experts*  
3           *as determined under this section.*

4           (2) *SCOPE.*—*The peer review may include a re-*  
5           *view of the economic and environmental assumptions*  
6           *and projections, project evaluation data, economic*  
7           *analyses, environmental analyses, engineering anal-*  
8           *yses, formulation of alternative plans, methods for in-*  
9           *tegrating risk and uncertainty, models used in eval-*  
10          *uation of economic or environmental impacts of pro-*  
11          *posed projects, and any biological opinions of the*  
12          *project study.*

13          (3) *PROJECT STUDIES SUBJECT TO PEER RE-*  
14          *VIEW.*—

15                (A) *MANDATORY.*—*A project study shall be*  
16                *subject to peer review under paragraph (1)—*

17                   (i) *if the project has an estimated total*  
18                   *cost of more than \$50,000,000, including*  
19                   *mitigation costs, and is not determined by*  
20                   *the Chief of Engineers to be exempt from*  
21                   *peer review under paragraph (6); or*

22                   (ii) *the Governor of an affected State*  
23                   *requests a peer review by an independent*  
24                   *panel of experts.*

1                   (B) *DISCRETIONARY*.—A project study may  
2                   be subject to peer review if—

3                   (i) the head of a Federal or State agen-  
4                   cy charged with reviewing the project study  
5                   determines that the project is likely to have  
6                   a significant adverse impact on environ-  
7                   mental, cultural, or other resources under  
8                   the jurisdiction of the agency after imple-  
9                   mentation of proposed mitigation plans and  
10                  requests a peer review by an independent  
11                  panel of experts; or

12                  (ii) the Chief of Engineers determines  
13                  that the project study is controversial.

14                  (4) *CONTROVERSIAL PROJECTS*.—Upon receipt of  
15                  a written request under paragraph (3)(B) or on the  
16                  initiative of the Chief of Engineers, the Chief of Engi-  
17                  neers shall determine whether a project study is con-  
18                  troversial.

19                  (5) *FACTORS TO CONSIDER*.—In determining  
20                  whether a project study is controversial, the Chief of  
21                  Engineers shall consider if—

22                  (A) there is a significant public dispute as  
23                  to the size, nature, or effects of the project; or

1           (B) *there is a significant public dispute as*  
 2           *to the economic or environmental costs or bene-*  
 3           *fits of the project.*

4           (6) *PROJECT STUDIES EXCLUDED FROM PEER*  
 5           *REVIEW.—Project studies that may be excluded from*  
 6           *peer review under paragraph (1) are—*

7                 (A) *a study for a project the Chief of Engi-*  
 8                 *neers determines—*

9                         (i) *is not controversial;*

10                       (ii) *has no more than negligible ad-*  
 11                       *verse impacts on scarce or unique cultural,*  
 12                       *historic, or tribal resources;*

13                       (iii) *has no substantial adverse im-*  
 14                       *pacts on fish and wildlife species and their*  
 15                       *habitat prior to the implementation of miti-*  
 16                       *gation measures; and*

17                       (iv) *has, before implementation of*  
 18                       *mitigation measures, no more than a neg-*  
 19                       *ligible adverse impact on a species listed as*  
 20                       *endangered or threatened species under the*  
 21                       *Endangered Species Act of 1973 (16 U.S.C.*  
 22                       *1539 et seq.) or the critical habitat of such*  
 23                       *species designated under such Act; and*

24                 (B) *a study for a project pursued under sec-*  
 25                 *tion 205 of the Flood Control Act of 1948 (33*

1        *U.S.C. 701s), section 2 of the Flood Control Act*  
2        *of August 28, 1937 (33 U.S.C. 701g), section 14*  
3        *of the Flood Control Act of 1946 (33 U.S.C.*  
4        *701r), section 107(a) of the River and Harbor*  
5        *Act of 1960 (33 U.S.C. 577(a)), section 3 of the*  
6        *Act entitled “An Act authorizing Federal par-*  
7        *ticipation in the cost of protecting the shores of*  
8        *publicly owned property”, approved August 13,*  
9        *1946 (33 U.S.C. 426g), section 111 of the River*  
10       *and Harbor Act of 1968 (33 U.S.C. 426i), sec-*  
11       *tion 3 of the Act entitled “An Act authorizing*  
12       *the construction, repair, and preservation of cer-*  
13       *tain public works on rivers and harbors, and for*  
14       *other purposes”, approved March 2, 1945 (33*  
15       *U.S.C. 603a), section 1135 of the Water Re-*  
16       *sources Development Act of 1986 (33 U.S.C.*  
17       *2309a), section 206 of the Water Resources De-*  
18       *velopment Act of 1996 (33 U.S.C. 2330), or sec-*  
19       *tion 204 of the Water Resources Development Act*  
20       *of 1992 (33 U.S.C. 2326).*

21       *(7) APPEAL.—The decision of the Chief of Engi-*  
22       *neers whether to peer review a project study shall be*  
23       *published in the Federal Register and shall be subject*  
24       *to appeal by a person referred to in paragraph*  
25       *(3)(B)(i) or (3)(B)(ii) to the Secretary of the Army*

1        *if such appeal is made within the 30-day period fol-*  
2        *lowing the date of such publication.*

3            (8) *DETERMINATION OF PROJECT COST.—For*  
4        *purposes of determining the estimated total cost of a*  
5        *project under paragraph (3)(A), the project cost shall*  
6        *be based upon the reasonable estimates of the Chief of*  
7        *Engineers at the completion of the reconnaissance*  
8        *study for the project. If the reasonable estimate of*  
9        *project costs is subsequently determined to be in excess*  
10       *of the amount in paragraph (3)(A), the Chief of Engi-*  
11       *neers shall make a determination whether a project*  
12       *study should be reviewed under this section.*

13          (b) *TIMING OF PEER REVIEW.—The Chief of Engineers*  
14       *shall determine the timing of a peer review of a project*  
15       *study under subsection (a). In all cases, the peer review*  
16       *shall occur during the period beginning on the date of the*  
17       *completion of the reconnaissance study for the project and*  
18       *ending on the date the draft report of the Chief of Engineers*  
19       *for the project is made available for public comment. Where*  
20       *the Chief of Engineers has not initiated a peer review of*  
21       *a project study, the Chief of Engineers shall consider, at*  
22       *a minimum, whether to initiate a peer review at the time*  
23       *that—*

24            (1) *the without-project conditions are identified;*

1           (2) *the array of alternatives to be considered are*  
 2       *identified; and*

3           (3) *the preferred alternative is identified.*

4 *Nothing in this subsection shall be construed to require the*  
 5 *Chief of Engineers to conduct multiple peer reviews for a*  
 6 *project study.*

7       (c) *ESTABLISHMENT OF PANELS.—*

8           (1) *IN GENERAL.—For each project study subject*  
 9 *to peer review under subsection (a), as soon as prac-*  
 10 *ticable after the Chief of Engineers determines that a*  
 11 *project study will be subject to peer review, the Chief*  
 12 *of Engineers shall contract with the National Acad-*  
 13 *emy of Sciences (or a similar independent scientific*  
 14 *and technical advisory organization), or an eligible*  
 15 *organization, to establish a panel of experts to peer*  
 16 *review the project study for technical and scientific*  
 17 *sufficiency.*

18          (2) *MEMBERSHIP.—A panel of experts estab-*  
 19 *lished for a project study under this section shall be*  
 20 *composed of independent experts who represent a bal-*  
 21 *ance of areas of expertise suitable for the review being*  
 22 *conducted.*

23          (3) *LIMITATION ON APPOINTMENTS.—An indi-*  
 24 *vidual may not be selected to serve on a panel of ex-*  
 25 *perts established for a project study under this section*

1 *if the individual has a financial or close professional*  
2 *association with any organization or group with a*  
3 *strong financial or organizational interest in the*  
4 *project.*

5 (4) CONGRESSIONAL NOTIFICATION.—*Upon iden-*  
6 *tification of a project study for peer review under this*  
7 *section, but prior to initiation of any review, the*  
8 *Chief of Engineers shall notify the Committee on En-*  
9 *vironment and Public Works of the Senate and the*  
10 *Committee on Transportation and Infrastructure of*  
11 *the House of Representatives of such review.*

12 (d) DUTIES OF PANELS.—*A panel of experts estab-*  
13 *lished for a peer review for a project study under this sec-*  
14 *tion shall, consistent with the scope of the referral for re-*  
15 *view—*

16 (1) *conduct a peer review for the project study*  
17 *submitted to the panel for review;*

18 (2) *assess the adequacy and acceptability of the*  
19 *economic and environmental methods, models, and*  
20 *analyses used by the Chief of Engineers;*

21 (3) *provide timely written and oral comments to*  
22 *the Chief of Engineers throughout the development of*  
23 *the project study, as requested; and*

24 (4) *submit to the Chief of Engineers a final re-*  
25 *port containing the panel's economic, engineering,*



1       *and environmental analysis of the project study, in-*  
2       *cluding the panel's assessment of the adequacy and*  
3       *acceptability of the economic and environmental*  
4       *methods, models, and analyses used by the Chief of*  
5       *Engineers, to accompany the publication of the*  
6       *project study.*

7       *(e) DURATION OF PROJECT STUDY PEER REVIEWS.—*

8               *(1) DEADLINE.—A panel of experts shall—*

9                       *(A) complete its peer review under this sec-*  
10                      *tion for a project study and submit a report to*  
11                      *the Chief of Engineers under subsection (d)(4)*  
12                      *within 180 days after the date of establishment*  
13                      *of the panel, or, if the Chief of Engineers deter-*  
14                      *mines that a longer period of time is necessary,*  
15                      *such period of time established by the Chief of*  
16                      *Engineers, but in no event later than 90 days*  
17                      *after the date a draft project study is made*  
18                      *available for public review; and*

19                     *(B) terminate on the date of submission of*  
20                     *the report.*

21               *(2) FAILURE TO MEET DEADLINE.—If a panel*  
22       *does not complete its peer review of a project study*  
23       *under this section and submit a report to the Chief*  
24       *of Engineers under subsection (d)(4) on or before the*  
25       *deadline established by paragraph (1) for the project*

1       *study, the Chief of Engineers shall continue the*  
2       *project study for the project that is subject to peer re-*  
3       *view by the panel without delay.*

4       *(f) RECOMMENDATIONS OF PANEL.—*

5               *(1) CONSIDERATION BY THE CHIEF OF ENGI-*  
6       *NEERS.—After receiving a report on a project study*  
7       *from a panel of experts under this section and before*  
8       *entering a final record of decision for the project, the*  
9       *Chief of Engineers shall consider any recommenda-*  
10       *tions contained in the report and prepare a written*  
11       *response for any recommendations adopted or not*  
12       *adopted.*

13               *(2) PUBLIC AVAILABILITY AND TRANSMITTAL TO*  
14       *CONGRESS.—After receiving a report on a project*  
15       *study from a panel of experts under this section, the*  
16       *Chief of Engineers shall—*

17                       *(A) make a copy of the report and any*  
18                       *written response of the Chief of Engineers on rec-*  
19                       *ommendations contained in the report available*  
20                       *to the public; and*

21                       *(B) transmit to Congress a copy of the re-*  
22                       *port, together with any such written response, on*  
23                       *the date of a final report of the Chief of Engi-*  
24                       *neers or other final decision document for a*

1           *project study that is subject to peer review by the*  
2           *panel.*

3       (g) *COSTS.—*

4           (1) *IN GENERAL.—The costs of a panel of experts*  
5           *established for a peer review under this section—*

6                   (A) *shall be a Federal expense; and*

7                   (B) *shall not exceed \$500,000.*

8           (2) *WAIVER.—The Chief of Engineers may waive*  
9           *the \$500,000 limitation contained in paragraph*  
10           *(1)(B) in cases that the Chief of Engineers determines*  
11           *appropriate.*

12       (h) *APPLICABILITY.—This section shall apply to—*

13           (1) *project studies initiated during the 2-year*  
14           *period preceding the date of enactment of this Act and*  
15           *for which the array of alternatives to be considered*  
16           *has not been identified; and*

17           (2) *project studies initiated during the period be-*  
18           *ginning on such date of enactment and ending 4*  
19           *years after such date of enactment.*

20       (i) *REPORT.—Within 4½ years of the date of enact-*  
21       *ment of this section, the Chief of Engineers shall submit*  
22       *a report to Congress on the implementation of this section.*

23       (j) *NONAPPLICABILITY OF FACA.—The Federal Advi-*  
24       *sory Committee Act (5 U.S.C. App.) shall not apply to any*  
25       *peer review panel established under this section.*

1       (k) *SAVINGS CLAUSE.*—*Nothing in this section shall*  
 2 *be construed to affect any authority of the Chief of Engi-*  
 3 *neers to cause or conduct a peer review of a water resources*  
 4 *project existing on the date of enactment of this section.*

5       (l) *DEFINITIONS.*—*In this section, the following defini-*  
 6 *tions apply:*

7           (1) *PROJECT STUDY.*—*The term “project study”*  
 8 *means a feasibility study or reevaluation study for a*  
 9 *project. The term also includes any other study asso-*  
 10 *ciated with a modification or update of a project that*  
 11 *includes an environmental impact statement, includ-*  
 12 *ing the environmental impact statement.*

13          (2) *AFFECTED STATE.*—*The term “affected*  
 14 *State”, as used with respect to a project, means a*  
 15 *State all or a portion of which is within the drainage*  
 16 *basin in which the project is or would be located and*  
 17 *would be economically or environmentally affected as*  
 18 *a consequence of the project.*

19          (3) *ELIGIBLE ORGANIZATION.*—*The term “eligi-*  
 20 *ble organization” means an organization that—*

21           (A) *is described in section 501(c)(3), and*  
 22 *exempt from Federal tax under section 501(a), of*  
 23 *the Internal Revenue Code of 1986;*

24           (B) *is independent;*

25           (C) *is free from conflicts of interest;*

- 1                   (D) does not carry out or advocate for or  
 2                   against Federal water resources projects; and  
 3                   (E) has experience in establishing and ad-  
 4                   ministering peer review panels.

5 **SEC. 2038. STUDIES AND REPORTS FOR WATER RESOURCES**  
 6 **PROJECTS.**

7           (a) *STUDIES.*—

8                   (1) *COST-SHARING REQUIREMENTS.*—Section  
 9                   105(a) of the Water Resources Development Act of  
 10                   1986 (33 U.S.C. 2215(a)) is amended by adding at  
 11                   the end the following:

12                   “(3) *DETAILED PROJECT REPORTS.*—The re-  
 13                   quirements of this subsection that apply to a feasi-  
 14                   bility study also shall apply to a study that results  
 15                   in a detailed project report, except that—

16                   “(A) the first \$100,000 of the costs of a  
 17                   study that results in a detailed project report  
 18                   shall be a Federal expense; and

19                   “(B) paragraph (1)(C)(ii) shall not apply  
 20                   to such a study.”.

21                   (2) *PLANNING AND ENGINEERING.*—Section  
 22                   105(b) of such Act (33 U.S.C. 2215(b)) is amended by  
 23                   striking “authorized by this Act”.

1           (3) *DEFINITIONS.*—*Section 105 of such Act (33*  
2           *U.S.C. 2215) is amended by adding at the end the fol-*  
3           *lowing:*

4           “(d) *DEFINITIONS.*—*In this section, the following defi-*  
5           *initions apply:*

6           “(1) *DETAILED PROJECT REPORT.*—*The term*  
7           *‘detailed project report’ means a report for a project*  
8           *not specifically authorized by Congress in law or oth-*  
9           *erwise that determines the feasibility of the project*  
10           *with a level of detail appropriate to the scope and*  
11           *complexity of the recommended solution and sufficient*  
12           *to proceed directly to the preparation of contract*  
13           *plans and specifications. The term includes any asso-*  
14           *ciated environmental impact statement and mitiga-*  
15           *tion plan. For a project for which the Federal cost*  
16           *does not exceed \$1,000,000, the term includes a plan-*  
17           *ning and design analysis document.*

18           “(2) *FEASIBILITY STUDY.*—*The term ‘feasibility*  
19           *study’ means a study that results in a feasibility re-*  
20           *port under section 905, and any associated environ-*  
21           *mental impact statement and mitigation plan, pre-*  
22           *pared by the Corps of Engineers for a water resources*  
23           *project. The term includes a study that results in a*  
24           *project implementation report prepared under title VI*  
25           *of the Water Resources Development Act of 2000 (114*

1       *Stat. 2680–2694), a general reevaluation report, and*  
 2       *a limited reevaluation report.”.*

3       **(b) REPORTS.—**

4               **(1) PREPARATION.—***Section 905(a) of the Water*  
 5       *Resources Development Act of 1986 (33 U.S.C.*  
 6       *2282(a)) is amended—*

7                       **(A) by striking “(a) In the case of any” and**  
 8                       *inserting the following:*

9       **“(a) PREPARATION OF REPORTS.—**

10               **“(1) IN GENERAL.—***In the case of any”;*

11                       **(B) by striking “the Secretary, the Sec-**  
 12                       *retary shall” and inserting “the Secretary that*  
 13                       *results in recommendations concerning a project*  
 14                       *or the operation of a project and that requires*  
 15                       *specific authorization by Congress in law or oth-*  
 16                       *erwise, the Secretary shall perform a reconnais-*  
 17                       *sance study and”;*

18                       **(C) by striking “Such feasibility report”**  
 19                       *and inserting the following:*

20               **“(2) CONTENTS OF FEASIBILITY REPORTS.—***A*  
 21       *feasibility report”;*

22                       **(D) by striking “The feasibility report” and**  
 23                       *inserting “A feasibility report”; and*

24                       **(E) by striking the last sentence and insert-**  
 25                       *ing the following:*

1           “(3) *APPLICABILITY.*—*This subsection shall not*  
2     *apply to—*

3           “(A) *any study with respect to which a re-*  
4     *port has been submitted to Congress before the*  
5     *date of enactment of this Act;*

6           “(B) *any study for a project, which project*  
7     *is authorized for construction by this Act and is*  
8     *not subject to section 903(b);*

9           “(C) *any study for a project which does not*  
10    *require specific authorization by Congress in law*  
11    *or otherwise; and*

12          “(D) *general studies not intended to lead to*  
13    *recommendation of a specific water resources*  
14    *project.*

15          “(4) *FEASIBILITY REPORT DEFINED.*—*In this*  
16    *subsection, the term ‘feasibility report’ means each*  
17    *feasibility report, and any associated environmental*  
18    *impact statement and mitigation plan, prepared by*  
19    *the Corps of Engineers for a water resources project.*  
20    *The term includes a project implementation report*  
21    *prepared under title VI of the Water Resources Devel-*  
22    *opment Act of 2000 (114 Stat. 2680–2694), a general*  
23    *reevaluation report, and a limited reevaluation re-*  
24    *port.”.*



1           (2) *PROJECTS NOT SPECIFICALLY AUTHORIZED*  
 2       *BY CONGRESS.*—*Section 905 of such Act is further*  
 3       *amended—*

4                   (A) *in subsection (b) by inserting “RECON-*  
 5                   *NAISSANCE STUDIES.—” before “Before initi-*  
 6                   *ating”;*

7                   (B) *by redesignating subsections (c), (d),*  
 8                   *and (e) as subsections (d), (e), and (f), respec-*  
 9                   *tively;*

10                  (C) *by inserting after subsection (b) the fol-*  
 11                  *lowing:*

12       “(c) *PROJECTS NOT SPECIFICALLY AUTHORIZED BY*  
 13       *CONGRESS.*—*In the case of any water resources project-re-*  
 14       *lated study authorized to be undertaken by the Secretary*  
 15       *without specific authorization by Congress in law or other-*  
 16       *wise, the Secretary shall prepare a detailed project report.”;*

17                   (D) *in subsection (d) (as so redesignated) by*  
 18                   *inserting “INDIAN TRIBES.—” before “For pur-*  
 19                   *poses of”;* and

20                   (E) *in subsection (e) (as so redesignated) by*  
 21                   *inserting “STANDARD AND UNIFORM PROCE-*  
 22                   *DURES AND PRACTICES.—” before “The Sec-*  
 23                   *retary shall”.*

1 **SEC. 2039. OFFSHORE OIL AND GAS FABRICATION PORT.**

2       (a) *IN GENERAL.*—*In conducting a feasibility study*  
3 *for the project for navigation, Atchafalaya River, Bayous*  
4 *Chene, Boeuf, and Black, Louisiana, being conducted under*  
5 *section 430 of the Water Resources Development Act of 2000*  
6 *(114 Stat. 2639), the Secretary shall include in the calcula-*  
7 *tion of national economic development benefits all economic*  
8 *benefits associated with contracts for new energy explo-*  
9 *ration and contracts for the fabrication of energy infra-*  
10 *structure that would result from carrying out the project.*

11       (b) *REPEAL.*—*Section 6009 of the Emergency Supple-*  
12 *mental Appropriations Act for Defense, the Global War on*  
13 *Terror, and Tsunami Relief, 2005 (Public Law 109–13; 119*  
14 *Stat. 282) is repealed.*

15 **SEC. 2040. USE OF FIRMS EMPLOYING LOCAL RESIDENTS.**

16       (a) *CONTRACTS OR AGREEMENTS WITH PRIVATE EN-*  
17 *TITIES.*—*In carrying out construction of a water resources*  
18 *project, the Secretary may enter into a contract or agree-*  
19 *ment with a private entity only if the private entity pro-*  
20 *vides assurances satisfactory to the Secretary that, to the*  
21 *maximum extent practicable—*

22               (1) *local residents in the area of the project will*  
23 *comprise not less than 50 percent of the workforce em-*  
24 *ployed by the entity to perform the contract or agree-*  
25 *ment; and*

1           (2) *local residents in the area of the project will*  
2           *comprise not less than 50 percent of the workforce em-*  
3           *ployed by each subcontractor at each tier in connec-*  
4           *tion with the contract or agreement.*

5           (b) *EXEMPTIONS.—*

6           (1) *IN GENERAL.—The Secretary may waive the*  
7           *application of subsection (a) with respect to a con-*  
8           *tract or agreement if the Secretary determines that*  
9           *compliance with subsection (a) is not feasible due*  
10          *to—*

11                   (A) *a lack of qualified local residents to per-*  
12                   *mit satisfaction of the requirements of subsection*  
13                   (i);

14                   (B) *a lack of sufficient numbers of special-*  
15                   *ized workers necessary to carry out the project;*  
16                   *or*

17                   (C) *the need to comply with small business*  
18                   *or minority contracting requirements under Fed-*  
19                   *eral law.*

20          (2) *DOCUMENTATION.—Any determination by*  
21          *the Secretary under paragraph (1) to waive the ap-*  
22          *plication of subsection (a) with respect to a contract*  
23          *or agreement shall be justified in writing.*

1       (c) *REGULATIONS.*—*The Secretary shall issue regula-*  
 2       *tions establishing local residency and other requirements to*  
 3       *facilitate compliance with this section.*

4       (d) *PRIOR CONTRACTS.*—*Nothing in this section shall*  
 5       *be construed to affect any contract or agreement entered*  
 6       *into before the effective date of this section.*

7       (e) *EFFECTIVE DATE.*—*This section shall become effec-*  
 8       *tive 180 days after the date of enactment of this Act.*

## 9       ***TITLE III—PROJECT-RELATED*** 10       ***PROVISIONS***

### 11       ***SEC. 3001. COOK INLET, ALASKA.***

12       *Section 118(a)(3) of the Energy and Water Develop-*  
 13       *ment Appropriations Act, 2005 (title I of division C of the*  
 14       *Consolidated Appropriations Act, 2005; 118 Stat. 2945) is*  
 15       *amended by inserting “as part of the operation and mainte-*  
 16       *nance of such project modification” after “by the Sec-*  
 17       *retary”.*

### 18       ***SEC. 3002. KING COVE HARBOR, ALASKA.***

19       *The maximum amount of Federal funds that may be*  
 20       *expended for the project for navigation, King Cove Harbor,*  
 21       *Alaska, being carried out under section 107 of the River*  
 22       *and Harbor Act of 1960 (33 U.S.C. 577), shall be*  
 23       *\$8,000,000.*

1 **SEC. 3003. SITKA, ALASKA.**

2       *The Sitka, Alaska, element of the project for naviga-*  
3 *tion, Southeast Alaska Harbors of Refuge, Alaska, author-*  
4 *ized by section 101(1) of the Water Resources Development*  
5 *Act of 1992 (106 Stat. 4801), is modified to direct the Sec-*  
6 *retary to take such action as is necessary to correct design*  
7 *deficiencies in the Sitka Harbor Breakwater, at full Federal*  
8 *expense. The estimated cost is \$6,300,000.*

9 **SEC. 3004. TATITLEK, ALASKA.**

10       *The maximum amount of Federal funds that may be*  
11 *expended for the project for navigation, Tatitlek, Alaska,*  
12 *being carried out under section 107 of the River and Harbor*  
13 *Act of 1960 (33 U.S.C. 577), shall be \$10,000,000.*

14 **SEC. 3005. RIO DE FLAG, FLAGSTAFF, ARIZONA.**

15       *The project for flood damage reduction, Rio De Flag,*  
16 *Flagstaff, Arizona, authorized by section 101(b)(3) of the*  
17 *Water Resources Development Act of 2000 (114 Stat. 2576),*  
18 *is modified to authorize the Secretary to construct the*  
19 *project at a total cost of \$54,100,000, with an estimated*  
20 *Federal cost of \$35,000,000 and a non-Federal cost of*  
21 *\$19,100,000.*

22 **SEC. 3006. OSCEOLA HARBOR, ARKANSAS.**

23       *(a) IN GENERAL.—The project for navigation, Osceola*  
24 *Harbor, Arkansas, constructed under section 107 of the*  
25 *River and Harbor Act of 1960 (33 U.S.C. 577), is modified*  
26 *to allow non-Federal interests to construct a mooring facil-*

1 *ity within the existing authorized harbor channel, subject*  
 2 *to all necessary permits, certifications, and other require-*  
 3 *ments.*

4 (b) *LIMITATION ON STATUTORY CONSTRUCTION.—*  
 5 *Nothing in this section shall be construed as affecting the*  
 6 *responsibility of the Secretary to maintain the general*  
 7 *navigation features of the project at a bottom width of 250*  
 8 *feet.*

9 **SEC. 3007. PINE MOUNTAIN DAM, ARKANSAS.**

10 *The Pine Mountain Dam feature of the project for flood*  
 11 *protection, Lee Creek, Arkansas and Oklahoma, authorized*  
 12 *by section 204 of the Flood Control Act of 1965 (79 Stat.*  
 13 *1078), is modified—*

14 (1) *to add environmental restoration as a project*  
 15 *purpose; and*

16 (2) *to direct the Secretary to finance the non-*  
 17 *Federal share of the cost of the project over a 30-year*  
 18 *period in accordance with section 103(k) of the Water*  
 19 *Resources Development Act of 1986 (33 U.S.C.*  
 20 *2213(k)).*

21 **SEC. 3008. AMERICAN AND SACRAMENTO RIVERS, CALI-**  
 22 **FORNIA. .**

23 (a) *IN GENERAL.—The project for flood control, Amer-*  
 24 *ican and Sacramento Rivers, California, authorized by sec-*  
 25 *tion 101(a)(6)(A) of the Water Resources Development Act*

1 of 1999 (113 Stat. 274), as modified by section 128 of the  
2 Energy and Water Development Appropriations Act, 2006  
3 (119 Stat. 2259), is further modified to authorize the Sec-  
4 retary to construct the auxiliary spillway generally in ac-  
5 cordance with the Post Authorization Change Report,  
6 American River Watershed Project (Folsom Dam Modifica-  
7 tion and Folsom Dam Raise Projects), dated December  
8 2006, at a total cost of \$683,000,000, with an estimated  
9 Federal cost of \$444,000,000 and an estimated non-Federal  
10 cost of \$239,000,000.

11 (b) *DAM SAFETY ACTIVITIES*.—Nothing in this section  
12 shall be construed to limit the authority of the Secretary  
13 of the Interior to carry out dam safety activities in connec-  
14 tion with the auxiliary spillway in accordance with the Bu-  
15 reau of Reclamation Safety of Dams Program.

16 (c) *TRANSFER OF FUNDS*.—The Secretary and the Sec-  
17 retary of the Interior are authorized to transfer between  
18 their respective agencies appropriated amounts and other  
19 available funds (including funds contributed by non-Fed-  
20 eral interests) for the purpose of planning, design, and con-  
21 struction of the auxiliary spillway. Any transfer made pur-  
22 suant to this subsection shall be subject to such terms and  
23 conditions as agreed upon by the Secretary and the Sec-  
24 retary of the Interior.

1 **SEC. 3009. COMPTON CREEK, CALIFORNIA.**

2       *The project for flood control, Los Angeles Drainage*  
3 *Area, California, authorized by section 101(b) of the Water*  
4 *Resources Development Act of 1990 (104 Stat. 4611), is*  
5 *modified to add environmental restoration and recreation*  
6 *as project purposes.*

7 **SEC. 3010. GRAYSON CREEK/MURDERER'S CREEK, CALI-**  
8 **FORNIA.**

9       *The project for aquatic ecosystem restoration, Grayson*  
10 *Creek/Murderer's Creek, California, being carried out under*  
11 *section 206 of the Water Resources Development Act of 1996*  
12 *(33 U.S.C. 2330), is modified—*

13           *(1) to direct the Secretary to credit toward the*  
14       *non-Federal share of the cost of the project the cost of*  
15       *work carried out by the non-Federal interest before*  
16       *the date of the partnership agreement for the project*  
17       *if the Secretary determines that the work is integral*  
18       *to the project; and*

19           *(2) to authorize the Secretary to consider na-*  
20       *tional ecosystem restoration benefits in determining*  
21       *the Federal interest in the project.*

22 **SEC. 3011. HAMILTON AIRFIELD, CALIFORNIA.**

23       *The project for environmental restoration, Hamilton*  
24 *Airfield, California, authorized by section 101(b)(3) of the*  
25 *Water Resources Development Act of 1999 (113 Stat. 279),*  
26 *is modified to direct the Secretary to construct the project*



1 *substantially in accordance with the report of the Chief of*  
 2 *Engineers dated July 19, 2004, at a total cost of*  
 3 *\$228,100,000, with an estimated Federal cost of*  
 4 *\$171,100,000 and an estimated non-Federal cost of*  
 5 *\$57,000,000.*

6 **SEC. 3012. JOHN F. BALDWIN SHIP CHANNEL AND STOCK-**  
 7 **TON SHIP CHANNEL, CALIFORNIA.**

8 *The project for navigation, San Francisco to Stockton,*  
 9 *California, authorized by section 301 of the River and Har-*  
 10 *bor Act of 1965 (79 Stat. 1091) is modified—*

11 *(1) to provide that the non-Federal share of the*  
 12 *cost of the John F. Baldwin Ship Channel and Stock-*  
 13 *ton Ship Channel element of the project may be pro-*  
 14 *vided in the form of in-kind services and materials;*  
 15 *and*

16 *(2) to direct the Secretary to credit toward the*  
 17 *non-Federal share of the cost of such element the cost*  
 18 *of planning and design work carried out by the non-*  
 19 *Federal interest before the date of an agreement for*  
 20 *such planning and design if the Secretary determines*  
 21 *that such work is integral to such element.*

22 **SEC. 3013. KAWEAH RIVER, CALIFORNIA.**

23 *The project for flood control, Terminus Dam, Kaweah*  
 24 *River, California, authorized by section 101(b)(5) of the*  
 25 *Water Resources Development Act of 1996 (110 Stat. 3658),*

1 *is modified to direct the Secretary to credit toward the non-*  
 2 *Federal share of the cost of the project, or provide reim-*  
 3 *bursement not to exceed \$800,000, for the costs of any work*  
 4 *carried out by the non-Federal interest before, on, or after*  
 5 *the date of the project partnership agreement if the Sec-*  
 6 *retary determines that the work is integral to the project.*

7 **SEC. 3014. LARKSPUR FERRY CHANNEL, LARKSPUR, CALI-**  
 8 **FORNIA.**

9 *The project for navigation, Larkspur Ferry Channel,*  
 10 *Larkspur, California, authorized by section 601(d) of the*  
 11 *Water Resources Development Act of 1986 (100 Stat. 4148),*  
 12 *is modified to direct the Secretary to determine whether*  
 13 *maintenance of the project is feasible, and if the Secretary*  
 14 *determines that maintenance of the project is feasible, to*  
 15 *carry out such maintenance.*

16 **SEC. 3015. LLAGAS CREEK, CALIFORNIA.**

17 *(a) IN GENERAL.—The project for flood damage reduc-*  
 18 *tion, Llagas Creek, California, authorized by section 501(a)*  
 19 *of the Water Resources Development Act of 1999 (113 Stat.*  
 20 *333), is modified to authorize the Secretary to carry out*  
 21 *the project at a total cost of \$105,000,000, with an esti-*  
 22 *mated Federal cost of \$65,000,000, and an estimated non-*  
 23 *Federal cost of \$40,000,000.*

24 *(b) SPECIAL RULE.—In evaluating and implementing*  
 25 *the project, the Secretary shall allow the non-Federal inter-*

1 *est to participate in the financing of the project in accord-*  
 2 *ance with section 903(c) of the Water Resources Develop-*  
 3 *ment Act of 1986 (100 Stat. 4184) to the extent that the*  
 4 *Secretary's evaluation indicates that applying such section*  
 5 *is necessary to implement the project.*

6 **SEC. 3016. MAGPIE CREEK, CALIFORNIA.**

7       (a) *IN GENERAL.*—*The project for Magpie Creek, Cali-*  
 8 *fornia, authorized under section 205 of the Flood Control*  
 9 *Act of 1948 (33 U.S.C. 701s), is modified to direct the Sec-*  
 10 *retary to apply the cost-sharing requirements of section*  
 11 *103(b) of the Water Resources Development Act of 1986*  
 12 *(100 Stat. 4085) for the portion of the project consisting*  
 13 *of land acquisition to preserve and enhance existing flood-*  
 14 *water storage.*

15       (b) *CREDIT.*—*The Secretary shall credit toward the*  
 16 *non-Federal share of the cost of the project the cost of plan-*  
 17 *ning and design work carried out by the non-Federal inter-*  
 18 *est before the date of the partnership agreement for the*  
 19 *project if the Secretary determines that the work is integral*  
 20 *to the project.*

21 **SEC. 3017. PACIFIC FLYWAY CENTER, SACRAMENTO, CALI-**  
 22 **FORNIA.**

23       *The project for aquatic ecosystem restoration, Pacific*  
 24 *Flyway Center, Sacramento, California, being carried out*  
 25 *under section 206 of the Water Resources Development Act*

1 of 1996 (33 U.S.C. 2330), is modified to authorize the Sec-  
 2 retary to expend \$2,000,000 to enhance public access to the  
 3 project.

4 **SEC. 3018. PINOLE CREEK, CALIFORNIA.**

5       *The project for improvement of the quality of the envi-*  
 6 *ronment, Pinole Creek Phase I, California, being carried*  
 7 *out under section 1135 of the Water Resources Development*  
 8 *Act of 1986 (33 U.S.C. 2309a), is modified to direct the*  
 9 *Secretary to credit toward the non-Federal share of the cost*  
 10 *of the project the cost of work carried out by the non-Federal*  
 11 *interest before the date of the partnership agreement for the*  
 12 *project if the Secretary determines that the work is integral*  
 13 *to the project.*

14 **SEC. 3019. PRADO DAM, CALIFORNIA.**

15       *Upon completion of the modifications to the Prado*  
 16 *Dam element of the project for flood control, Santa Ana*  
 17 *River Mainstem, California, authorized by section 401(a)*  
 18 *of the Water Resources Development Act of 1986 (100 Stat.*  
 19 *4113), the Memorandum of Agreement for the Operation for*  
 20 *Prado Dam for Seasonal Additional Water Conservation*  
 21 *between the Department of the Army and the Orange Coun-*  
 22 *ty Water District (including all the conditions and stipula-*  
 23 *tions in the memorandum) shall remain in effect for vol-*  
 24 *umes of water made available prior to such modifications.*

1 **SEC. 3020. SACRAMENTO AND AMERICAN RIVERS FLOOD**  
2 **CONTROL, CALIFORNIA.**

3 (a) *DETERMINATION OF FEDERAL COSTS PAID BY*  
4 *NON-FEDERAL INTEREST.—*

5 (1) *FEDERAL COSTS PAID BY NON-FEDERAL IN-*  
6 *TEREST.—The Secretary shall determine the amount*  
7 *paid by the Sacramento Area Flood Control Agency*  
8 *towards the Federal share of the cost of the project for*  
9 *the Natomas levee features authorized by section*  
10 *9159(b) of the Department of Defense Appropriations*  
11 *Act, 1993 (106 Stat. 1944) of the project for flood con-*  
12 *trol and recreation, Sacramento and American Riv-*  
13 *ers, California.*

14 (2) *REIMBURSEMENTS TO NON-FEDERAL INTER-*  
15 *EST.—The Secretary shall determine the amount of*  
16 *reimbursements paid to the Sacramento Flood Control*  
17 *Agency for payment of the Federal share of the cost*  
18 *of the project referred to in paragraph (1).*

19 (3) *DETERMINATION OF FEDERAL SHARE.—In*  
20 *carrying out paragraph (1), the Secretary shall in-*  
21 *clude in the total cost of the project all costs of the*  
22 *following activities that the Secretary determines to*  
23 *be integral to the project:*

24 (A) *Planning, engineering, and construc-*  
25 *tion.*

1                   (B) Acquisition of project lands, easements,  
2                   and rights-of-way.

3                   (C) Performance of relocations.

4                   (D) Environmental mitigation for all  
5                   project elements.

6           (b) CREDIT.—

7                   (1) IN GENERAL.—The Secretary shall credit to-  
8                   ward the non-Federal share of the cost of any flood  
9                   damage reduction project, authorized before the date  
10                  of enactment of this Act, for which the non-Federal  
11                  interest is the Sacramento Area Flood Control Agency  
12                  an amount equal to the total amount determined  
13                  under subsection (a)(1) reduced by the amount deter-  
14                  mined under subsection (a)(2).

15                  (2) ALLOCATION OF CREDIT.—The Secretary  
16                  shall allocate the amount to be credited under para-  
17                  graph (1) toward the non-Federal share of such  
18                  projects as are requested by the Sacramento Area  
19                  Flood Control Agency.

20 **SEC. 3021. SACRAMENTO DEEP WATER SHIP CHANNEL,**  
21 **CALIFORNIA.**

22           The project for navigation, Sacramento Deep Water  
23 Ship Channel, California, authorized by section 202(a) of  
24 the Water Resources Development Act of 1986 (100 Stat.  
25 4092), is modified to direct the Secretary to credit toward

1 *the non-Federal share of the cost of the project the cost of*  
 2 *planning and design work carried out by the non-Federal*  
 3 *interest before the date of the partnership agreement for the*  
 4 *project if the Secretary determines that the work is integral*  
 5 *to the project.*

6 **SEC. 3022. SANTA CRUZ HARBOR, CALIFORNIA.**

7 *The project for navigation, Santa Cruz Harbor, Cali-*  
 8 *fornia, authorized by section 101 of the River and Harbor*  
 9 *Act of 1958 (72 Stat. 300) and modified by section 809*  
 10 *of the Water Resources Development Act of 1986 (100 Stat.*  
 11 *4168) and section 526 of the Water Resources Development*  
 12 *Act of 1999 (113 Stat. 346), is modified to direct the Sec-*  
 13 *retary—*

14 *(1) to renegotiate the memorandum of agreement*  
 15 *with the non-Federal interest to increase the annual*  
 16 *payment to reflect the updated cost of operation and*  
 17 *maintenance that is the Federal and non-Federal*  
 18 *share as provided by law based on the project pur-*  
 19 *pose; and*

20 *(2) to revise the memorandum of agreement to*  
 21 *include terms that revise such payments for inflation.*

22 **SEC. 3023. SEVEN OAKS DAM, CALIFORNIA.**

23 *The project for flood control, Santa Ana Mainstem, au-*  
 24 *thorized by section 401(a) of the Water Resources Develop-*  
 25 *ment Act of 1986 (100 Stat. 4113) and modified by section*

1 *104 of the Energy and Water Development Appropriations*  
 2 *Act, 1988 (101 Stat. 1329–11), section 102(e) of the Water*  
 3 *Resources Development Act of 1990 (104 Stat. 4611), and*  
 4 *section 311 of the Water Resources Development Act of 1996*  
 5 *(110 Stat. 3713), is further modified to direct the Secretary*  
 6 *to conduct a study for the reallocation of water storage at*  
 7 *the Seven Oaks Dam, California, for water conservation.*

8 **SEC. 3024. UPPER GUADALUPE RIVER, CALIFORNIA.**

9 *The project for flood damage reduction and recreation,*  
 10 *Upper Guadalupe River, California, authorized by section*  
 11 *101(a)(9) of the Water Resources Development Act of 1999*  
 12 *(113 Stat. 275), is modified to authorize the Secretary to*  
 13 *construct the project generally in accordance with the*  
 14 *Upper Guadalupe River Flood Damage Reduction, San*  
 15 *Jose, California, Limited Reevaluation Report, dated*  
 16 *March, 2004, at a total cost of \$244,500,000.*

17 **SEC. 3025. WALNUT CREEK CHANNEL, CALIFORNIA.**

18 *The project for aquatic ecosystem restoration, Walnut*  
 19 *Creek Channel, California, being carried out under section*  
 20 *206 of the Water Resources Development Act of 1996 (33*  
 21 *U.S.C. 2330), is modified—*

22 *(1) to direct the Secretary to credit toward the*  
 23 *non-Federal share of the cost of the project the cost of*  
 24 *work carried out by the non-Federal interest before*  
 25 *the date of the partnership agreement for the project*



1        *if the Secretary determines that the work is integral*  
 2        *to the project; and*

3            *(2) to authorize the Secretary to consider na-*  
 4        *tional ecosystem restoration benefits in determining*  
 5        *the Federal interest in the project.*

6    **SEC. 3026. WILDCAT/SAN PABLO CREEK PHASE I, CALI-**  
 7            **FORNIA.**

8        *The project for improvement of the quality of the envi-*  
 9        *ronment, Wildcat/San Pablo Creek Phase I, California,*  
 10       *being carried out under section 1135 of the Water Resources*  
 11       *Development Act of 1986 (33 U.S.C. 2309a), is modified*  
 12       *to direct the Secretary to credit toward the non-Federal*  
 13       *share of the cost of the project the cost of work carried out*  
 14       *by the non-Federal interest before the date of the partner-*  
 15       *ship agreement for the project if the Secretary determines*  
 16       *that the work is integral to the project.*

17    **SEC. 3027. WILDCAT/SAN PABLO CREEK PHASE II, CALI-**  
 18            **FORNIA.**

19        *The project for aquatic ecosystem restoration, Wildcat/*  
 20        *San Pablo Creek Phase II, California, being carried out*  
 21        *under section 206 of the Water Resources Development Act*  
 22        *of 1996 (33 U.S.C. 2330), is modified to direct the Secretary*  
 23        *to credit toward the non-Federal share of the cost of the*  
 24        *project the cost of work carried out by the non-Federal in-*  
 25        *terest before the date of the partnership agreement for the*

1 *project if the Secretary determines that the work is integral*  
 2 *to the project and to authorize the Secretary to consider*  
 3 *national ecosystem restoration benefits in determining the*  
 4 *Federal interest in the project.*

5 **SEC. 3028. YUBA RIVER BASIN PROJECT, CALIFORNIA.**

6 *The project for flood damage reduction, Yuba River*  
 7 *Basin, California, authorized by section 101(a)(10) of the*  
 8 *Water Resources Development Act of 1999 (113 Stat. 275),*  
 9 *is modified—*

10 *(1) to authorize the Secretary to construct the*  
 11 *project at a total cost of \$107,700,000, with an esti-*  
 12 *mated Federal cost of \$70,000,000 and an estimated*  
 13 *non-Federal cost of \$37,700,000; and*

14 *(2) to direct the Secretary to credit toward the*  
 15 *non-Federal share of the cost of the project the cost of*  
 16 *work carried out by the non-Federal interest before*  
 17 *the date of the partnership agreement for the project*  
 18 *if the Secretary determines that the work is integral*  
 19 *to the project.*

20 **SEC. 3029. SOUTH PLATTE RIVER BASIN, COLORADO.**

21 *Section 808 of the Water Resources Development Act*  
 22 *of 1986 (100 Stat. 4168) is amended by striking “agri-*  
 23 *culture,” and inserting “agriculture, environmental res-*  
 24 *toration,”.*

1 **SEC. 3030. INTRACOASTAL WATERWAY, DELAWARE RIVER**  
 2 **TO CHESAPEAKE BAY, DELAWARE AND MARY-**  
 3 **LAND.**

4 *The project for navigation, Intracoastal Waterway,*  
 5 *Delaware River to Chesapeake Bay, Delaware and Mary-*  
 6 *land, authorized by the first section of the Rivers and Har-*  
 7 *bors Act of August 30, 1935 (49 Stat. 1030), and section*  
 8 *101 of the River and Harbor Act of 1954 (68 Stat. 1249),*  
 9 *is modified to add recreation as a project purpose.*

10 **SEC. 3031. BREVARD COUNTY, FLORIDA.**

11 *(a) SHORELINE.—The project for shoreline protection,*  
 12 *Brevard County, Florida, authorized by section 101(b)(7)*  
 13 *of the Water Resources Development Act of 1996 (110 Stat.*  
 14 *3667), is modified—*

15 *(1) to direct the Secretary to establish the reach*  
 16 *of the project as the reach between the Florida depart-*  
 17 *ment of environmental protection monuments 75.4 to*  
 18 *118.3, a distance of 7.6 miles; and*

19 *(2) to direct the Secretary to expedite the general*  
 20 *reevaluation report required by section 418 of the*  
 21 *Water Resources Development Act of 2000 (114 Stat.*  
 22 *2637).*

23 *(b) CREDIT.—Section 310 of the Water Resources De-*  
 24 *velopment Act of 1999 (113 Stat. 301) is amended by add-*  
 25 *ing at the end the following:*

1       “(d) *CREDIT.*—After completion of the study, the Sec-  
 2       retary shall credit toward the non-Federal share of the cost  
 3       of the project for shore protection the cost of nourishment  
 4       and renourishment associated with the project for shore pro-  
 5       tection incurred by the non-Federal interest to respond to  
 6       damages to Brevard County beaches that are the result of  
 7       a Federal navigation project, as determined in the final re-  
 8       port for the study.”.

9       **SEC. 3032. BROWARD COUNTY AND HILLSBORO INLET,**  
 10       **FLORIDA.**

11       *The project for shore protection, Broward County and*  
 12       *Hillsboro Inlet, Florida, authorized by section 301 of the*  
 13       *River and Harbor Act of 1965 (79 Stat. 1090), and modi-*  
 14       *fied by section 311 of the Water Resources Development Act*  
 15       *of 1999 (113 Stat. 301), is further modified to direct the*  
 16       *Secretary to credit toward the non-Federal share of the cost*  
 17       *of the project the cost of mitigation construction and derelict*  
 18       *erosion control structure removal carried out by the non-*  
 19       *Federal interest before the date of the partnership agreement*  
 20       *for the project if the Secretary determines that the work is*  
 21       *integral to the project.*

22       **SEC. 3033. CANAVERAL HARBOR, FLORIDA.**

23       *In carrying out the project for navigation, Canaveral*  
 24       *Harbor, Florida, authorized by section 101 of the River and*

1 *Harbor Act of 1962 (76 Stat. 1174), the Secretary shall con-*  
 2 *struct a sediment trap.*

3 **SEC. 3034. GASPARILLA AND ESTERO ISLANDS, FLORIDA.**

4 *The project for shore protection, Gasparilla and Estero*  
 5 *Island segments, Lee County, Florida, authorized by section*  
 6 *201 of the Flood Control Act of 1965 (79 Stat. 1073), by*  
 7 *Senate Resolution dated December 17, 1970, and by House*  
 8 *Resolution dated December 15, 1970, and modified by sec-*  
 9 *tion 309 of the Water Resources Development Act of 2000*  
 10 *(114 Stat. 2602), is further modified to direct the Secretary*  
 11 *to credit toward the non-Federal share of the cost of the*  
 12 *project the cost of work carried out by the non-Federal in-*  
 13 *terest before the date of the partnership agreement for the*  
 14 *project if the Secretary determines that the work is integral*  
 15 *to the project.*

16 **SEC. 3035. JACKSONVILLE HARBOR, FLORIDA.**

17 *(a) IN GENERAL.—The project for navigation, Jack-*  
 18 *sonville Harbor, Florida, authorized by section 101(a)(17)*  
 19 *of the Water Resources Development Act of 1999 (113 Stat.*  
 20 *276), is modified to authorize the Secretary to extend the*  
 21 *navigation features in accordance with the Report of the*  
 22 *Chief of Engineers, dated July 22, 2003, at a total cost of*  
 23 *\$14,658,000, with an estimated Federal cost of \$9,636,000*  
 24 *and an estimated non-Federal cost of \$5,022,000.*

1       (b) *GENERAL REEVALUATION REPORTS.*—*The non-*  
 2 *Federal share of the cost of the general reevaluation report*  
 3 *that resulted in the report of the Chief of Engineers for the*  
 4 *project and the non-Federal share of the cost of the general*  
 5 *reevaluation report for Jacksonville Harbor, Florida, being*  
 6 *conducted on June 1, 2005, shall each be the same percent-*  
 7 *age as the non-Federal share of the cost of construction of*  
 8 *the project.*

9       (c) *AGREEMENT.*—*The Secretary shall enter into new*  
 10 *partnership agreements with the non-Federal interest to re-*  
 11 *flect the cost sharing required by subsection (b).*

12 **SEC. 3036. LIDO KEY BEACH, SARASOTA, FLORIDA.**

13       (a) *IN GENERAL.*—*The project for shore protection,*  
 14 *Lido Key Beach, Sarasota, Florida, authorized by section*  
 15 *101 of the River and Harbor Act of 1970 (84 Stat. 1819),*  
 16 *deauthorized under section 1001(b) of the Water Resources*  
 17 *Development Act of 1986 (33 U.S.C. 579a(b)), and reau-*  
 18 *thorized by section 364(2)(A) of the Water Resources Devel-*  
 19 *opment Act of 1999 (113 Stat. 313), is modified to direct*  
 20 *the Secretary to construct the project substantially in ac-*  
 21 *cordance with the report of the Chief of Engineers dated*  
 22 *December 22, 2004, at a total cost of \$15,190,000, with an*  
 23 *estimated Federal cost of \$9,320,000 and an estimated non-*  
 24 *Federal cost of \$5,870,000, and at an estimated total cost*

1 of \$65,000,000 for periodic nourishment over the 50-year  
 2 life of the project.

3 (b) CONSTRUCTION OF SHORELINE PROTECTION  
 4 PROJECTS BY NON-FEDERAL INTERESTS.—The Secretary  
 5 shall enter into a partnership agreement with the non-Fed-  
 6 eral interest in accordance with section 206 of the Water  
 7 Resources Development Act of 1992 (33 U.S.C. 426i–1) for  
 8 the modified project.

9 **SEC. 3037. MIAMI HARBOR, FLORIDA.**

10 The project for navigation, Miami Harbor Channel,  
 11 Florida, authorized by section 101(a)(9) of the Water Re-  
 12 sources Development Act of 1990 (104 Stat. 4606) and  
 13 modified by section 315 of the Water Resources Development  
 14 Act of 1999 (113 Stat. 302), is further modified—

15 (1) to include as a project purpose environ-  
 16 mental mitigation required before July 18, 2003, by  
 17 a Federal, State, or local environmental agency for  
 18 unauthorized or unanticipated environmental im-  
 19 pacts within, or in the vicinity of, the authorized  
 20 project; and

21 (2) to direct the Secretary to reimburse the non-  
 22 Federal interest for the Federal share of the costs the  
 23 non-Federal interest has incurred in construction of  
 24 the project (including environmental mitigation costs  
 25 and costs incurred for incomplete usable increments of

1       the project) in accordance with section 204 of the  
2       Water Resources Development Act of 1986 (33 U.S.C.  
3       2232).

4   **SEC. 3038. PEANUT ISLAND, FLORIDA.**

5       The maximum amount of Federal funds that may be  
6       expended for the project for improvement of the quality of  
7       the environment, Peanut Island, Palm Beach County, Flor-  
8       ida, being carried out under section 1135 of the Water Re-  
9       sources Development Act of 1986 (33 U.S.C. 2309a) shall  
10      be \$9,750,000.

11   **SEC. 3039. TAMPA HARBOR-BIG BEND CHANNEL, FLORIDA.**

12      The project for navigation, Tampa Harbor-Big Bend  
13      Channel, Florida, authorized by section 101(a)(18) of the  
14      Water Resources Development Act of 1999 (113 Stat. 276)  
15      is modified to direct the Secretary to credit toward the non-  
16      Federal share of the cost of the project the cost of planning,  
17      design, and construction work carried out by the non-Fed-  
18      eral interest before the date of the partnership agreement  
19      for the project if the Secretary determines that the work is  
20      integral to the project.

21   **SEC. 3040. TAMPA HARBOR CUT B, FLORIDA.**

22      (a) *IN GENERAL.*—The project for navigation, Tampa  
23      Harbor, Florida, authorized by section 101 of the River and  
24      Harbor Act of 1970 (84 Stat. 1818), is modified to author-  
25      ize the Secretary to construct passing lanes in an area ap-



1 *proximately 3.5 miles long and centered on Tampa Harbor*  
 2 *Cut B if the Secretary determines that such improvements*  
 3 *are necessary for navigation safety.*

4 *(b) GENERAL REEVALUATION REPORT.—The non-Fed-*  
 5 *eral share of the cost of the general reevaluation report for*  
 6 *Tampa Harbor, Florida, being conducted on June 1, 2005,*  
 7 *shall be the same percentage as the non-Federal share of*  
 8 *the cost of construction of the project.*

9 *(c) AGREEMENT.—The Secretary shall enter into a*  
 10 *new partnership agreement with the non-Federal interest*  
 11 *to reflect the cost sharing required by subsection (b).*

12 **SEC. 3041. ALLATOONA LAKE, GEORGIA.**

13 *(a) LAND EXCHANGE.—*

14 *(1) IN GENERAL.—The Secretary may exchange*  
 15 *lands above 863 feet in elevation at Allatoona Lake,*  
 16 *Georgia, identified in the Real Estate Design Memo-*  
 17 *randum prepared by the Mobile district engineer,*  
 18 *April 5, 1996, and approved October 8, 1996, for*  
 19 *lands on the north side of Allatoona Lake that are*  
 20 *needed for wildlife management and for protection of*  
 21 *the water quality and overall environment of*  
 22 *Allatoona Lake.*

23 *(2) TERMS AND CONDITIONS.—The basis for all*  
 24 *land exchanges under this subsection shall be a fair*

1       *market appraisal so that lands exchanged are of equal*  
2       *value.*

3       **(b) DISPOSAL AND ACQUISITION OF LANDS,**  
4       **ALLATOONA LAKE, GEORGIA.—**

5               **(1) IN GENERAL.—***The Secretary may also sell*  
6       *lands above 863 feet in elevation at Allatoona Lake,*  
7       *Georgia, identified in the memorandum referred to in*  
8       *subsection (a)(1) and may use the proceeds to pay*  
9       *costs associated with the purchase of lands needed for*  
10       *wildlife management and for protection of the water*  
11       *quality and overall environment of Allatoona Lake.*

12               **(2) TERMS AND CONDITIONS.—***Land sales and*  
13       *purchases to be conducted under this subsection shall*  
14       *be subject to the following terms and conditions:*

15                       **(A)** *Lands acquired under this subsection*  
16       *shall be by negotiated purchase from willing sell-*  
17       *ers only.*

18                       **(B)** *The basis for all transactions under the*  
19       *program shall be a fair market appraisal accept-*  
20       *able to the Secretary.*

21                       **(C)** *The purchasers shall share in the associ-*  
22       *ated real estate costs, to include surveys and as-*  
23       *sociated fees in accordance with the memo-*  
24       *randum referred to in subsection (a)(1).*

1                   (D) *Any other conditions that the Secretary*  
 2                   *may impose.*

3           (c) *REPEAL.—Section 325 of the Water Resources De-*  
 4           *velopment Act of 1992 (106 Stat. 4849) is repealed.*

5   **SEC. 3042. LATHAM RIVER, GLYNN COUNTY, GEORGIA.**

6           *The maximum amount of Federal funds that may be*  
 7           *expended for the project for improvement of the quality of*  
 8           *the environment, Latham River, Glynn County, Georgia,*  
 9           *being carried out under section 1135 of the Water Resources*  
 10          *Development Act of 1986 (33 U.S.C. 2309a) shall be*  
 11          *\$6,175,000.*

12   **SEC. 3043. DWORSHAK DAM AND RESERVOIR IMPROVE-**  
 13                   **MENTS, IDAHO.**

14          *The Secretary may carry out improvements to rec-*  
 15          *reational facilities at the Dworshak Dam and Reservoir,*  
 16          *North Fork, Clearwater River, Idaho, authorized by section*  
 17          *203 of the Flood Control Act of 1962 (76 Stat. 1193), to*  
 18          *accommodate lower pool levels.*

19   **SEC. 3044. BEARDSTOWN COMMUNITY BOAT HARBOR,**  
 20                   **BEARDSTOWN, ILLINOIS.**

21          (a) *IN GENERAL.—The project for navigation,*  
 22          *Muscooten Bay, Illinois River, Beardstown Community*  
 23          *Boat Harbor, Beardstown, Illinois, constructed under sec-*  
 24          *tion 107 of the River and Harbor Act of 1960 (33 U.S.C.*  
 25          *577), is modified—*

1           (1) *to include the channel between the harbor*  
 2           *and the Illinois River; and*

3           (2) *to direct the Secretary to enter into a part-*  
 4           *nership agreement with the city of Beardstown to re-*  
 5           *place the local cooperation agreement dated August*  
 6           *18, 1983, with the Beardstown Community Park Dis-*  
 7           *trict.*

8           (b) *TERMS OF PARTNERSHIP AGREEMENT.*—*The part-*  
 9           *nership agreement referred to in subsection (a) shall include*  
 10          *the same rights and responsibilities as the local cooperation*  
 11          *agreement dated August 18, 1983, changing only the iden-*  
 12          *tity of the non-Federal sponsor.*

13          (c) *MAINTENANCE.*—*Following execution of the part-*  
 14          *nership agreement referred to in subsection (a), the Sec-*  
 15          *retary may carry out maintenance of the project referred*  
 16          *to in subsection (a) on an annual basis.*

17   **SEC. 3045. CACHE RIVER LEVEE, ILLINOIS.**

18          *The Cache River Levee constructed for flood control at*  
 19          *the Cache River, Illinois, and authorized by the Act of June*  
 20          *28, 1938 (52 Stat. 1217), is modified to add environmental*  
 21          *restoration as a project purpose.*

22   **SEC. 3046. CHICAGO RIVER, ILLINOIS.**

23          *The navigation channel for the North Branch Canal*  
 24          *portion of the Chicago River, authorized by the first section*  
 25          *of the Rivers and Harbors Appropriations Act of March 3,*

1 1899 (30 Stat. 1129), extending from 100 feet downstream  
 2 of the Halsted Street Bridge to 100 feet upstream of the  
 3 Division Street Bridge is modified to be no wider than 66  
 4 feet.

5 **SEC. 3047. CHICAGO SANITARY AND SHIP CANAL DISPERSAL**  
 6 **BARRIERS PROJECT, ILLINOIS.**

7 (a) *TREATMENT AS SINGLE PROJECT.*—The Chicago  
 8 Sanitary and Ship Canal Dispersal Barrier Project (in this  
 9 section referred to as “Barrier I”) (as in existence on the  
 10 date of enactment of this Act), constructed as a demonstra-  
 11 tion project under section 1202(i)(3) of the Nonindigenous  
 12 Aquatic Nuisance Prevention and Control Act of 1990 (16  
 13 U.S.C. 4722(i)(3)), and the project relating to the Chicago  
 14 Sanitary and Ship Canal Dispersal Barrier, authorized by  
 15 section 345 of the District of Columbia Appropriations Act,  
 16 2005 (Public Law 108–335; 118 Stat. 1352) (in this section  
 17 referred to as “Barrier II”), shall be considered to constitute  
 18 a single project.

19 (b) *AUTHORIZATION.*—

20 (1) *IN GENERAL.*—The Secretary, at Federal ex-  
 21 pense, shall—

22 (A) upgrade and make permanent Barrier  
 23 I;

1           (B) construct Barrier II, notwithstanding  
 2           the project cooperation agreement with the State  
 3           of Illinois dated June 14, 2005;

4           (C) operate and maintain Barrier I and  
 5           Barrier II as a system to optimize effectiveness;

6           (D) conduct, in consultation with appro-  
 7           priate Federal, State, local, and nongovern-  
 8           mental entities, a study of a range of options  
 9           and technologies for reducing impacts of hazards  
 10          that may reduce the efficacy of the Barriers; and

11          (E) provide to each State a credit in an  
 12          amount equal to the amount of funds contributed  
 13          by the State toward Barrier II.

14          (2) *USE OF CREDIT.*—A State may apply a  
 15          credit provided to the State under paragraph (1)(E)  
 16          to any cost sharing responsibility for an existing or  
 17          future Federal project carried out by the Secretary in  
 18          the State.

19          (c) *CONFORMING AMENDMENT.*—Section 345 of the  
 20          District of Columbia Appropriations Act, 2005 (Public Law  
 21          108–335; 118 Stat. 1352), is amended to read as follows:

22          **“SEC. 345. CHICAGO SANITARY AND SHIP CANAL DISPERSAL**  
 23          **BARRIER, ILLINOIS.**

24          *“There are authorized to be appropriated such sums*  
 25          *as may be necessary to carry out the Barrier II project of*

1 *the project for the Chicago Sanitary and Ship Canal Dis-*  
 2 *persal Barrier, Illinois, initiated pursuant to section 1135*  
 3 *of the Water Resources Development Act of 1986 (33 U.S.C.*  
 4 *2294 note; 100 Stat. 4251).”.*

5       (d) *FEASIBILITY STUDY.—The Secretary, in consulta-*  
 6 *tion with appropriate Federal, State, local, and nongovern-*  
 7 *mental entities, shall conduct, at Federal expense, a feasi-*  
 8 *bility study of the range of options and technologies avail-*  
 9 *able to prevent the spread of aquatic nuisance species be-*  
 10 *tween the Great Lakes and Mississippi River Basins*  
 11 *through the Chicago Sanitary and Ship Canal and other*  
 12 *pathways.*

13 **SEC. 3048. EMIQUON, ILLINOIS.**

14       (a) *MAXIMUM AMOUNT.—The maximum amount of*  
 15 *Federal funds that may be expended for the project for*  
 16 *aquatic ecosystem restoration, Emiquon, Illinois, being car-*  
 17 *ried out under section 206 of the Water Resources Develop-*  
 18 *ment Act of 1996 (33 U.S.C. 2330), shall be \$7,500,000.*

19       (b) *LIMITATION.—Nothing in this section shall affect*  
 20 *the eligibility of the project for emergency repair assistance*  
 21 *under section 5(a) of the Act entitled “An Act authorizing*  
 22 *the construction of certain public works on rivers and har-*  
 23 *bors for flood control, and for other purposes”, approved*  
 24 *August 18, 1941 (33 U.S.C. 701n).*

1 **SEC. 3049. LASALLE, ILLINOIS.**

2       *In carrying out section 312 of the Water Resources De-*  
 3 *velopment Act of 1990 (104 Stat. 4639–4640), the Secretary*  
 4 *shall give priority to work in the vicinity of LaSalle, Illi-*  
 5 *nois, on the Illinois and Michigan Canal.*

6 **SEC. 3050. SPUNKY BOTTOMS, ILLINOIS.**

7       *(a) PROJECT PURPOSE.—The project for flood control,*  
 8 *Spunky Bottoms, Illinois, authorized by section 5 of the*  
 9 *Flood Control Act of June 22, 1936 (49 Stat. 1583), is*  
 10 *modified to add environmental restoration as a project pur-*  
 11 *pose.*

12       *(b) MAXIMUM AMOUNT.—The maximum amount of*  
 13 *Federal funds that may be expended for the project for im-*  
 14 *provement of the quality of the environment, Spunky Bot-*  
 15 *toms, Illinois, being carried out under section 1135 of the*  
 16 *Water Resources Development Act of 1986 (33 U.S.C.*  
 17 *2309a), shall be \$7,500,000.*

18       *(c) LIMITATION.—Nothing in this section shall affect*  
 19 *the eligibility of the project for emergency repair assistance*  
 20 *under section 5(a) of the Act entitled “An Act authorizing*  
 21 *the construction of certain public works on rivers and har-*  
 22 *bors for flood control, and for other purposes”, approved*  
 23 *August 18, 1941 (33 U.S.C. 701n).*

24 **SEC. 3051. FORT WAYNE AND VICINITY, INDIANA.**

25       *The project for flood control Fort Wayne, St. Mary’s*  
 26 *and Maumee Rivers, Indiana, authorized by section*



1 101(a)(11) of the Water Resources Development Act of 1990  
2 (104 Stat. 4604), is modified—

3 (1) to direct the Secretary to provide a 100-year  
4 level of flood protection at the Berry-Thieme, Park-  
5 Thompson, Woodhurst, and Tillman sites along the  
6 St. Mary's River, Fort Wayne and vicinity, Indiana,  
7 at a total cost of \$5,300,000; and

8 (2) to allow the non-Federal interest to partici-  
9 pate in the financing of the project in accordance  
10 with section 903(c) of the Water Resources Develop-  
11 ment Act of 1986 (100 Stat. 4184) to the extent that  
12 the Secretary's evaluation indicates that applying  
13 such section is necessary to implement the project.

14 **SEC. 3052. KOONTZ LAKE, INDIANA.**

15 The project for aquatic ecosystem restoration, Koontz  
16 Lake, Indiana, being carried out under section 206 of the  
17 Water Resources Development Act of 1996 (33 U.S.C. 2330)  
18 and modified by section 520 of the Water Resources Devel-  
19 opment Act of 2000 (114 Stat. 2655), is further modified  
20 to direct the Secretary to seek to reduce the cost of the  
21 project by using innovative technologies and cost reduction  
22 measures determined from a review of non-Federal lake  
23 dredging projects in the vicinity of Koontz Lake.

1 **SEC. 3053. WHITE RIVER, INDIANA.**

2       *The project for flood control, Indianapolis on West*  
3 *Fork of White River, Indiana, authorized by section 5 of*  
4 *the Act entitled “An Act authorizing the construction of cer-*  
5 *tain public works on rivers and harbors for flood control,*  
6 *and for other purposes”, approved June 22, 1936 (49 Stat.*  
7 *1586), and modified by section 323 of the Water Resources*  
8 *Development Act of 1996 (110 Stat. 3716) and section 322*  
9 *of the Water Resources Development Act of 1999 (113 Stat.*  
10 *303–304), is further modified—*

11           *(1) to authorize the Secretary to undertake the*  
12 *riverfront alterations described in the Central Indian-*  
13 *apolis Waterfront Concept Plan, dated February*  
14 *1994, for the Fall Creek Reach feature at a total cost*  
15 *of \$28,545,000; and*

16           *(2) to direct the Secretary to credit toward the*  
17 *non-Federal share of the cost of the project the cost of*  
18 *planning, design, and construction work carried out*  
19 *by the non-Federal interest before the date of the part-*  
20 *nership agreement for the project if the Secretary de-*  
21 *termines that the work is integral to the project.*

22 **SEC. 3054. DES MOINES RIVER AND GREENBELT, IOWA.**

23       *The project for the Des Moines Recreational River and*  
24 *Greenbelt, Iowa, authorized by Public Law 99–88 and*  
25 *modified by section 604 of the Water Resources Development*  
26 *Act of 1986 (100 Stat. 4153), is modified to include en-*

1 hanced public access and recreational enhancements, at a  
 2 Federal cost of \$3,000,000.

3 **SEC. 3055. PRESTONSBURG, KENTUCKY.**

4       *The Prestonsburg, Kentucky, element of the project for*  
 5 *flood control, Levisa and Tug Fork of the Big Sandy and*  
 6 *Cumberland Rivers, West Virginia, Virginia, and Ken-*  
 7 *tucky, authorized by section 202(a) of the Energy and*  
 8 *Water Development Appropriations Act, 1981 (94 Stat.*  
 9 *1339), is modified to direct the Secretary to take measures*  
 10 *to provide a 100-year level of flood protection for the city*  
 11 *of Prestonsburg.*

12 **SEC. 3056. AMITE RIVER AND TRIBUTARIES, LOUISIANA,**  
 13 **EAST BATON ROUGE PARISH WATERSHED.**

14       *The project for flood damage reduction and recreation,*  
 15 *Amite River and Tributaries, Louisiana, East Baton Rouge*  
 16 *Parish Watershed, authorized by section 101(a)(21) of the*  
 17 *Water Resources Development Act of 1999 (113 Stat. 277)*  
 18 *and modified by section 116 of division D of Public Law*  
 19 *108–7 (117 Stat. 140), is further modified—*

20               *(1) to direct the Secretary to carry out the*  
 21 *project with the cost sharing for the project deter-*  
 22 *mined in accordance with section 103(a) of the Water*  
 23 *Resources Development Act of 1986 (33 U.S.C.*  
 24 *2213(a)), as in effect on October 11, 1996;*

1           (2) *to authorize the Secretary to construct the*  
 2           *project at a total cost of \$187,000,000; and*

3           (3) *to direct the Secretary to credit toward the*  
 4           *non-Federal share of the cost of the project the cost of*  
 5           *work carried out by the non-Federal interest before*  
 6           *the date of the partnership agreement for the project*  
 7           *if the Secretary determines that the work is integral*  
 8           *to the project.*

9   **SEC. 3057. ATCHAFALAYA BASIN, LOUISIANA.**

10          (a) *IN GENERAL.*—Section 315(a)(1) of the Water Re-  
 11          sources Development Act of 2000 (114 Stat. 2603–2604) is  
 12          amended to read as follows:

13               “(1) *is authorized to study, design, construct, op-*  
 14               *erate, and maintain, at Federal expense, a Type A*  
 15               *Regional Visitor Center in the vicinity of Morgan*  
 16               *City, Louisiana, in consultation with the State of*  
 17               *Louisiana, to provide information to the public on*  
 18               *the Atchafalaya River system and other associated*  
 19               *waterways that have influenced surrounding commu-*  
 20               *nities, and national and local water resources devel-*  
 21               *opment of the Army Corps of Engineers in South*  
 22               *Central Louisiana; and”.*

23          (b) *TECHNICAL CORRECTION.*—Section 315(b) of such  
 24          Act is amended by striking “(a)” and inserting “(a)(2)”.

1       (c) *DONATIONS.*—*Section 315 of such Act is amended*  
 2 *by adding at the end the following:*

3       “(c) *DONATIONS.*—*In carrying out subsection (a)(1),*  
 4 *the Mississippi River Commission is authorized to accept*  
 5 *the donation of cash, funds, lands, materials, and services*  
 6 *from non-Federal governmental entities and nonprofit cor-*  
 7 *porations.”.*

8       **SEC. 3058. ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOU-**  
 9                               **ISIANA.**

10       *The public access feature of the Atchafalaya Basin*  
 11 *Floodway System project, Louisiana, authorized by section*  
 12 *601(a) of the Water Resources Development Act 1986 (100*  
 13 *Stat. 4142), is modified to authorize the Secretary to ac-*  
 14 *quire from willing sellers the fee interest, exclusive of oil,*  
 15 *gas, and minerals, of an additional 20,000 acres of land*  
 16 *within the Lower Atchafalaya Basin Floodway for the pub-*  
 17 *lic access feature of the Atchafalaya Basin Floodway Sys-*  
 18 *tem, to enhance fish and wildlife resources, at a total cost*  
 19 *of \$4,000,000.*

20       **SEC. 3059. BAYOU PLAQUEMINE, LOUISIANA.**

21       *The project for the improvement of the quality of the*  
 22 *environment, Bayou Plaquemine, Louisiana, being carried*  
 23 *out under section 1135 of the Water Resources Development*  
 24 *Act of 1986 (33 U.S.C. 2309a), is modified to direct the*  
 25 *Secretary to credit toward the non-Federal share of the cost*

1 *of the project the cost of work carried out by the non-Federal*  
 2 *interest before the date of the partnership agreement for the*  
 3 *project if the Secretary determines that the work is integral*  
 4 *to the project.*

5 **SEC. 3060. J. BENNETT JOHNSTON WATERWAY, MISSISSIPPI**  
 6 **RIVER TO SHREVEPORT, LOUISIANA.**

7 *The project for mitigation of fish and wildlife losses,*  
 8 *J. Bennett Johnston Waterway, Mississippi River to*  
 9 *Shreveport, Louisiana, authorized by section 601(a) of the*  
 10 *Water Resources Development Act of 1986 (100 Stat. 4142)*  
 11 *and modified by section 4(h) of the Water Resources Devel-*  
 12 *opment Act of 1988 (102 Stat. 4016), section 102(p) of the*  
 13 *Water Resources Development Act of 1990 (104 Stat. 4613),*  
 14 *section 301(b)(7) of the Water Resources Development Act*  
 15 *of 1996 (110 Stat. 3710), and section 316 of the Water Re-*  
 16 *sources Development Act of 2000 (114 Stat. 2572), is fur-*  
 17 *ther modified—*

18 *(1) to authorize the purchase and reforestation of*  
 19 *lands that have been cleared or converted to agricul-*  
 20 *tural uses; and*

21 *(2) to incorporate current wildlife and forestry*  
 22 *management practices for the purpose of improving*  
 23 *species diversity on mitigation lands that meet Fed-*  
 24 *eral and State of Louisiana habitat goals and objec-*  
 25 *tives.*

1 **SEC. 3061. MELVILLE, LOUISIANA.**

2        *Section 315(a)(2) of the Water Resources Development*  
3 *Act of 2000 (114 Stat. 2603) is amended by inserting before*  
4 *the period at the end the following: “and may include the*  
5 *town of Melville, Louisiana, as one of the alternative sites”.*

6 **SEC. 3062. MISSISSIPPI DELTA REGION, LOUISIANA.**

7        *The Mississippi Delta Region project, Louisiana, au-*  
8 *thorized as part of the project for hurricane-flood protection*  
9 *on Lake Pontchartrain, Louisiana, by section 204 of the*  
10 *Flood Control Act of 1965 (79 Stat. 1077) and modified*  
11 *by section 365 of the Water Resources Development Act of*  
12 *1996 (110 Stat. 3739), is further modified to direct the Sec-*  
13 *retary to credit toward the non-Federal share of the cost*  
14 *of the project the costs of relocating oyster beds in the Davis*  
15 *Pond project area if the Secretary determines that the work*  
16 *is integral to the Mississippi Delta Region project.*

17 **SEC. 3063. NEW ORLEANS TO VENICE, LOUISIANA.**

18        *The New Orleans to Venice, Louisiana, project for hur-*  
19 *ricane protection, authorized by section 203 of the Flood*  
20 *Control Act of 1962 (76 Stat. 1184), is modified to author-*  
21 *ize the Secretary to carry out the work on the St. Jude to*  
22 *City Price, Upper Reach A back levee. The Federal share*  
23 *of the cost of such work shall be 70 percent.*

1 **SEC. 3064. WEST BANK OF THE MISSISSIPPI RIVER (EAST OF**  
 2 **HARVEY CANAL), LOUISIANA.**

3 *Section 328 of the Water Resources Development Act*  
 4 *of 1999 (113 Stat. 304–305) is amended—*

5 *(1) in subsection (a)—*

6 *(A) by striking “operation and mainte-*  
 7 *nance” and inserting “operation, maintenance,*  
 8 *rehabilitation, repair, and replacement”; and*

9 *(B) by striking “Algiers Channel” and in-*  
 10 *serting “Algiers Canal Levees”; and*

11 *(2) by adding at the end the following:*

12 *“(c) COST SHARING.—The non-Federal share of the*  
 13 *cost of the project shall be 35 percent.”.*

14 **SEC. 3065. CAMP ELLIS, SACO, MAINE.**

15 *The maximum amount of Federal funds that may be*  
 16 *expended for the project being carried out under section 111*  
 17 *of the River and Harbor Act of 1968 (33 U.S.C. 426i) for*  
 18 *the mitigation of shore damages attributable to the project*  
 19 *for navigation, Camp Ellis, Saco, Maine, shall be*  
 20 *\$26,900,000.*

21 **SEC. 3066. DETROIT RIVER SHORELINE, DETROIT, MICH-**  
 22 **IGAN.**

23 *(a) IN GENERAL.—The project for emergency*  
 24 *streambank and shoreline protection, Detroit River Shore-*  
 25 *line, Detroit, Michigan, being carried out under section 14*



1 *of the Flood Control Act of 1946 (33 U.S.C. 701r), is modi-*  
 2 *fied to include measures to enhance public access.*

3 (b) *MAXIMUM FEDERAL EXPENDITURE.—The max-*  
 4 *imum amount of Federal funds that may be expended for*  
 5 *the project shall be \$3,000,000.*

6 **SEC. 3067. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICH-**  
 7 **IGAN.**

8 *Section 426 of the Water Resources Development Act*  
 9 *of 1999 (113 Stat. 326) is amended to read as follows:*

10 **“SEC. 426. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.**

11 *“(a) DEFINITIONS.—In this section, the following defi-*  
 12 *nitions apply:*

13 *“(1) MANAGEMENT PLAN.—The term ‘manage-*  
 14 *ment plan’ means the management plan for the St.*  
 15 *Clair River and Lake St. Clair, Michigan, that is in*  
 16 *effect as of the date of enactment of the Water Re-*  
 17 *sources Development Act of 2006.*

18 *“(2) PARTNERSHIP.—The term ‘partnership’*  
 19 *means the partnership established by the Secretary*  
 20 *under subsection (b)(1).*

21 *“(b) PARTNERSHIP.—*

22 *“(1) IN GENERAL.—The Secretary shall establish*  
 23 *and lead a partnership of appropriate Federal agen-*  
 24 *cies (including the Environmental Protection Agency)*

1       *and the State of Michigan (including political sub-*  
 2       *divisions of the State)—*

3               “(A) *to promote cooperation among the Fed-*  
 4       *eral, State, and local governments and other in-*  
 5       *volved parties in the management of the St.*  
 6       *Clair River and Lake St. Clair watersheds; and*

7               “(B) *develop and implement projects con-*  
 8       *sistent with the management plan.*

9               “(2) *COORDINATION WITH ACTIONS UNDER*  
 10       *OTHER LAW.—*

11              “(A) *IN GENERAL.—Actions taken under*  
 12       *this section by the partnership shall be coordi-*  
 13       *nated with actions to restore and conserve the St.*  
 14       *Clair River and Lake St. Clair and watersheds*  
 15       *taken under other provisions of Federal and*  
 16       *State law.*

17              “(B) *NO EFFECT ON OTHER LAW.—Nothing*  
 18       *in this section alters, modifies, or affects any*  
 19       *other provision of Federal or State law.*

20              “(c) *IMPLEMENTATION OF ST. CLAIR RIVER AND LAKE*  
 21       *ST. CLAIR MANAGEMENT PLAN.—*

22              “(1) *IN GENERAL.—The Secretary shall—*

23              “(A) *develop a St. Clair River and Lake St.*  
 24       *Clair strategic implementation plan in accord-*  
 25       *ance with the management plan;*

1           “(B) provide technical, planning, and engi-  
2           neering assistance to non-Federal interests for  
3           developing and implementing activities con-  
4           sistent with the management plan;

5           “(C) plan, design, and implement projects  
6           consistent with the management plan; and

7           “(D) provide, in coordination with the Ad-  
8           ministrator of the Environmental Protection  
9           Agency, financial and technical assistance, in-  
10          cluding grants, to the State of Michigan (includ-  
11          ing political subdivisions of the State) and inter-  
12          ested nonprofit entities for the planning, design,  
13          and implementation of projects to restore, con-  
14          serve, manage, and sustain the St. Clair River,  
15          Lake St. Clair, and associated watersheds.

16          “(2) *SPECIFIC MEASURES.*—Financial and tech-  
17          nical assistance provided under subparagraphs (B)  
18          and (C) of paragraph (1) may be used in support of  
19          non-Federal activities consistent with the manage-  
20          ment plan.

21          “(d) *SUPPLEMENTS TO MANAGEMENT PLAN AND*  
22          *STRATEGIC IMPLEMENTATION PLAN.*—In consultation with  
23          the partnership and after providing an opportunity for  
24          public review and comment, the Secretary shall develop in-  
25          formation to supplement—

1           “(1) *the management plan; and*

2           “(2) *the strategic implementation plan developed*  
3 *under subsection (c)(1)(A).*

4           “(e) *COST SHARING.—*

5           “(1) *IN-KIND SERVICES.—The non-Federal share*  
6 *of the cost of technical assistance under subsection (c),*  
7 *the cost of planning, design, and construction of a*  
8 *project under subsection (c), and the cost of develop-*  
9 *ment of supplementary information under subsection*  
10 *(d) may be provided through the provision of in-kind*  
11 *services.*

12           “(2) *CREDIT FOR LAND, EASEMENTS, AND*  
13 *RIGHTS-OF-WAY.—The Secretary shall credit the non-*  
14 *Federal sponsor for the value of any land, easements,*  
15 *rights-of-way, dredged material disposal areas, or re-*  
16 *locations required in carrying out a project under*  
17 *subsection (c).*

18           “(3) *NONPROFIT ENTITIES.—Notwithstanding*  
19 *section 221 of the Flood Control Act of 1970 (42*  
20 *U.S.C. 1962d–5b), a non-Federal interest for any*  
21 *project carried out under this section may include a*  
22 *nonprofit entity.*

23           “(4) *OPERATION AND MAINTENANCE.—The oper-*  
24 *ation, maintenance, repair, rehabilitation, and re-*

1        *placement of projects carried out under this section*  
 2        *shall be non-Federal responsibilities.*

3        “(f) *AUTHORIZATION OF APPROPRIATIONS.—There is*  
 4        *authorized to be appropriated to carry out this section*  
 5        *\$10,000,000 for each fiscal year.”.*

6        **SEC. 3068. ST. JOSEPH HARBOR, MICHIGAN.**

7        *The Secretary shall expedite development of the*  
 8        *dredged material management plan for the project for navi-*  
 9        *gation, St. Joseph Harbor, Michigan, authorized by section*  
 10       *101 of the River and Harbor Act of 1958 (72 Stat. 299).*

11       **SEC. 3069. SAULT SAINTE MARIE, MICHIGAN.**

12       (a) *IN GENERAL.—The text of section 1149 of the*  
 13       *Water Resources Development Act of 1986 (100 Stat. 4254)*  
 14       *is amended to read as follows:*

15       “*The Secretary shall construct at Federal expense a*  
 16       *second lock, of a width not less than 110 feet and a length*  
 17       *not less than 1,200 feet, adjacent to the existing lock at*  
 18       *Sault Sainte Marie, Michigan, generally in accordance*  
 19       *with the report of the Board of Engineers for Rivers and*  
 20       *Harbors, dated May 19, 1986, and the limited reevaluation*  
 21       *report dated February 2004 at a total cost of*  
 22       *\$341,714,000.”.*

23       (b) *CONFORMING REPEALS.—The following provisions*  
 24       *are repealed:*

1           (1) *Section 107(a)(8) of the Water Resources De-*  
 2           *velopment Act of 1990 (104 Stat. 4620).*

3           (2) *Section 330 of the Water Resources Develop-*  
 4           *ment Act of 1996 (110 Stat. 3717–3718).*

5           (3) *Section 330 of the Water Resources Develop-*  
 6           *ment Act of 1999 (113 Stat. 305).*

7   **SEC. 3070. ADA, MINNESOTA.**

8           (a) *IN GENERAL.*—*The project for flood damage reduc-*  
 9           *tion, Wild Rice River, Ada, Minnesota, being carried out*  
 10          *under section 205 of the Flood Control Act of 1948 (33*  
 11          *U.S.C. 701s), is modified to authorize the Secretary to con-*  
 12          *sider national ecosystem restoration benefits in determining*  
 13          *the Federal interest in the project.*

14          (b) *EVALUATION OF BENEFITS AND COSTS.*—*In evalu-*  
 15          *ating the economic benefits and costs for the project, the*  
 16          *Secretary shall not consider the emergency levee adjacent*  
 17          *to Judicial Ditch No. 51 in the determination of conditions*  
 18          *existing prior to construction of the project.*

19          (c) *SPECIAL RULE.*—*In evaluating and implementing*  
 20          *the project, the Secretary shall allow the non-Federal inter-*  
 21          *est to participate in the financing of the project in accord-*  
 22          *ance with section 903(c) of the Water Resources Develop-*  
 23          *ment Act of 1986 (100 Stat. 4184) to the extent that the*  
 24          *Secretary’s evaluation indicates that applying such section*  
 25          *is necessary to implement the project.*

1 **SEC. 3071. DULUTH HARBOR, MCQUADE ROAD, MINNESOTA.**

2       (a) *IN GENERAL.*—*The project for navigation, Duluth*  
3 *Harbor, McQuade Road, Minnesota, being carried out*  
4 *under section 107 of the River and Harbor Act of 1960 (33*  
5 *U.S.C. 577) and modified by section 321 of the Water Re-*  
6 *sources Development Act of 2000 (114 Stat. 2605), is fur-*  
7 *ther modified to authorize the Secretary to provide public*  
8 *access and recreational facilities as generally described in*  
9 *the Detailed Project Report and Environmental Assessment,*  
10 *McQuade Road Harbor of Refuge, Duluth, Minnesota, dated*  
11 *August 1999.*

12       (b) *CREDIT.*—*The Secretary shall provide credit to-*  
13 *ward the non-Federal share of the cost of the project for*  
14 *the costs of design work carried out before the date of the*  
15 *partnership agreement for the project if the Secretary deter-*  
16 *mines that the work is integral to the project.*

17       (c) *MAXIMUM FEDERAL EXPENDITURE.*—*The max-*  
18 *imum amount of Federal funds that may be expended for*  
19 *the project shall be \$9,000,000.*

20 **SEC. 3072. GRAND MARAIS, MINNESOTA.**

21       *The project for navigation, Grand Marais, Minnesota,*  
22 *carried out under section 107 of the River and Harbor Act*  
23 *of 1960 (33 U.S.C. 577) is modified to direct the Secretary*  
24 *to provide credit toward the non-Federal share of the cost*  
25 *of the project the cost of design work carried out before the*

1 *date of the partnership agreement for the project if the Sec-*  
 2 *retary determines that the work is integral to the project.*

3 **SEC. 3073. GRAND PORTAGE HARBOR, MINNESOTA.**

4 *The Secretary shall provide credit toward the non-Fed-*  
 5 *eral share of the cost of the navigation project for Grand*  
 6 *Portage Harbor, Minnesota, carried out under section 107*  
 7 *of the River and Harbor Act of 1960 (33 U.S.C. 577), for*  
 8 *the costs of design work carried out before the date of the*  
 9 *partnership agreement for the project if the Secretary deter-*  
 10 *mines that the work is integral to the project.*

11 **SEC. 3074. GRANITE FALLS, MINNESOTA.**

12 *(a) IN GENERAL.—The Secretary is directed to imple-*  
 13 *ment under section 205 of the Flood Control Act of 1948*  
 14 *(33 U.S.C. 701s) the locally preferred plan for flood damage*  
 15 *reduction, Granite Falls, Minnesota, substantially in ac-*  
 16 *cordance with the detailed project report dated 2002, at a*  
 17 *total cost of \$12,000,000, with an estimated Federal cost*  
 18 *of \$8,000,000 and an estimated non-Federal cost of*  
 19 *\$4,000,000.*

20 *(b) PROJECT FINANCING.—In evaluating and imple-*  
 21 *menting the project under this section, the Secretary shall*  
 22 *allow the non-Federal interests to participate in the financ-*  
 23 *ing of the project in accordance with section 903(c) of the*  
 24 *Water Resources Development Act of 1986 (100 Stat. 4184),*  
 25 *to the extent that the detailed project report evaluation indi-*



1 cates that applying such section is necessary to implement  
 2 the project.

3 (c) *CREDIT.*—*The Secretary shall credit toward the*  
 4 *non-Federal share of the project the cost of design and con-*  
 5 *struction work carried out by the non-Federal interest be-*  
 6 *fore the date of execution of a partnership agreement for*  
 7 *the project if the Secretary determines that the work is inte-*  
 8 *gral to the project.*

9 (d) *MAXIMUM FUNDING.*—*The maximum amount of*  
 10 *Federal funds that may be expended for the flood damage*  
 11 *reduction shall be \$8,000,000.*

12 **SEC. 3075. KNIFE RIVER HARBOR, MINNESOTA.**

13 *The project for navigation, Harbor at Knife River,*  
 14 *Minnesota, authorized by section 2 of the Rivers and Har-*  
 15 *bors Act of March 2, 1945 (59 Stat. 19), is modified to di-*  
 16 *rect the Secretary to develop a final design and prepare*  
 17 *plans and specifications to correct the harbor entrance and*  
 18 *mooring conditions at the project.*

19 **SEC. 3076. RED LAKE RIVER, MINNESOTA.**

20 *The project for flood control, Red Lake River,*  
 21 *Crookston, Minnesota, authorized by section 101(a)(23) of*  
 22 *the Water Resources Development Act of 1999 (113 Stat.*  
 23 *278), is modified to include flood protection for the adjacent*  
 24 *and interconnected areas generally known as the Sampson*  
 25 *and Chase/Loring neighborhoods, in accordance with the*

1 *feasibility report supplement for local flood protection,*  
2 *Crookston, Minnesota, at a total cost of \$25,000,000, with*  
3 *an estimated Federal cost of \$16,250,000 and an estimated*  
4 *non-Federal cost of \$8,750,000.*

5 **SEC. 3077. SILVER BAY, MINNESOTA.**

6 *The project for navigation, Silver Bay, Minnesota, au-*  
7 *thorized by section 2 of the Rivers and Harbors Act of*  
8 *March 2, 1945 (59 Stat. 19), is modified to include oper-*  
9 *ation and maintenance of the general navigation facilities*  
10 *as a Federal responsibility.*

11 **SEC. 3078. TACONITE HARBOR, MINNESOTA.**

12 *The project for navigation, Taconite Harbor, Min-*  
13 *nesota, carried out under section 107 of the River and Har-*  
14 *bor Act of 1960 (33 U.S.C. 577), is modified to include op-*  
15 *eration and maintenance of the general navigation facilities*  
16 *as a Federal responsibility.*

17 **SEC. 3079. TWO HARBORS, MINNESOTA.**

18 *(a) IN GENERAL.—The project for navigation, Two*  
19 *Harbors, Minnesota, being carried out under section 107*  
20 *of the River and Harbor Act of 1960 (33 U.S.C. 577), is*  
21 *modified to include construction of a dredged material dis-*  
22 *posal facility, including actions required to clear the site.*

23 *(b) LANDS, EASEMENTS, AND RIGHTS-OF-WAY.—Non-*  
24 *Federal interests shall be responsible for providing all lands,*

1 *easements, rights-of-way, and relocations necessary for the*  
 2 *construction of the dredged material disposal facility.*

3 (c) *MAXIMUM FEDERAL EXPENDITURE.*—*The max-*  
 4 *imum amount of Federal funds that may be expended for*  
 5 *the project shall be \$5,000,000.*

6 **SEC. 3080. DEER ISLAND, HARRISON COUNTY, MISSISSIPPI.**

7 *The project for ecosystem restoration, Deer Island,*  
 8 *Harrison County, Mississippi, being carried out under sec-*  
 9 *tion 204 of the Water Resources Development Act of 1992*  
 10 *(33 U.S.C. 2326), is modified to authorize the non-Federal*  
 11 *interest to provide any portion of the non-Federal share of*  
 12 *the cost of the project in the form of in-kind services and*  
 13 *materials.*

14 **SEC. 3081. PEARL RIVER BASIN, MISSISSIPPI.**

15 (a) *IN GENERAL.*—*The Secretary shall complete a fea-*  
 16 *sibility study for the project for flood damage reduction,*  
 17 *Pearl River Watershed, Mississippi.*

18 (b) *COMPARISON OF ALTERNATIVES.*—*The feasibility*  
 19 *study shall identify both the plan that maximizes national*  
 20 *economic development benefits and the locally preferred*  
 21 *plan and shall compare the level of flood damage reduction*  
 22 *provided by each plan to that portion of Jackson, Mis-*  
 23 *issippi, located below the Ross Barnett Reservoir Dam.*

24 (c) *RECOMMENDED PLAN.*—*If the Secretary deter-*  
 25 *mines that the locally preferred plan provides a level of*

1 *flood damage reduction that is equal to or greater than the*  
 2 *level of flood damage reduction provided by the national*  
 3 *economic development plan and the locally preferred plan*  
 4 *is technically feasible and environmentally protective, the*  
 5 *Secretary shall recommend construction of the locally pre-*  
 6 *ferred plan.*

7       (d) *EVALUATION OF PROJECT COST.*—*For the pur-*  
 8 *poses of determining compliance with the first section of*  
 9 *the Flood Control Act of June 22, 1936 (33 U.S.C. 701a),*  
 10 *the Secretary shall consider only the costs of the national*  
 11 *economic development plan and shall exclude incremental*  
 12 *costs associated with the locally preferred plan that are in*  
 13 *excess of such costs if the non-Federal interest agrees to pay*  
 14 *100 percent of such incremental costs.*

15       (e) *NON-FEDERAL COST SHARE.*—*If the locally pre-*  
 16 *ferred plan is authorized for construction, the non-Federal*  
 17 *share of the cost of the project shall be the same percentage*  
 18 *as the non-Federal share of the cost of the national economic*  
 19 *development plan plus all additional costs of construction*  
 20 *associated with the locally preferred plan.*

21 **SEC. 3082. FESTUS AND CRYSTAL CITY, MISSOURI.**

22       *Section 102(b)(1) of the Water Resources Development*  
 23 *Act of 1999 (113 Stat. 282) is amended by striking*  
 24 *“\$10,000,000” and inserting “\$12,000,000”.*

1 **SEC. 3083. L-15 LEVEE, MISSOURI.**

2       *The portion of the L-15 levee system that is under the*  
3 *jurisdiction of the Consolidated North County Levee Dis-*  
4 *trict and situated along the right descending bank of the*  
5 *Mississippi River from the confluence of that river with the*  
6 *Missouri River and running upstream approximately 14*  
7 *miles shall be considered to be a Federal levee for purposes*  
8 *of cost sharing under section 5 of the Act of August 18,*  
9 *1941 (33 U.S.C. 701n).*

10 **SEC. 3084. MONARCH-CHESTERFIELD, MISSOURI.**

11       *The project for flood damage reduction, Monarch-Ches-*  
12 *terfield, Missouri, authorized by section 101(b)(18) of the*  
13 *Water Resources Development Act of 2000 (114 Stat. 2578),*  
14 *is modified to direct the Secretary to credit toward the non-*  
15 *Federal share of the cost of the project the cost of the plan-*  
16 *ning, design, and construction work carried out by the non-*  
17 *Federal interest before the date of the partnership agreement*  
18 *for the project if the Secretary determines that the work is*  
19 *integral to the project.*

20 **SEC. 3085. RIVER DES PERES, MISSOURI.**

21       *The projects for flood control, River Des Peres, Mis-*  
22 *souri, authorized by section 101(a)(17) of the Water Re-*  
23 *sources Development Act of 1990 (104 Stat. 4607) and sec-*  
24 *tion 102(13) of the Water Resources Development Act of*  
25 *1996 (110 Stat. 3668), are each modified to direct the Sec-*  
26 *retary to credit toward the non-Federal share of the cost*

1 *of the project the cost of work carried out by the non-Federal*  
 2 *interest before the date of the partnership agreement for the*  
 3 *project if the Secretary determines that the work is integral*  
 4 *to the project.*

5 **SEC. 3086. ANTELOPE CREEK, LINCOLN, NEBRASKA.**

6 *The project for flood damage reduction, Antelope Creek,*  
 7 *Lincoln, Nebraska, authorized by section 101(b)(19) of the*  
 8 *Water Resources Development Act of 2000 (114 Stat. 2578),*  
 9 *is modified—*

10 *(1) to direct the Secretary to credit toward the*  
 11 *non-Federal share of the cost of the project the cost of*  
 12 *design and construction work carried out by the non-*  
 13 *Federal interest before the date of the partnership*  
 14 *agreement for the project if the Secretary determines*  
 15 *that the work is integral to the project; and*

16 *(2) to allow the non-Federal interest for the*  
 17 *project to use, and to direct the Secretary to accept,*  
 18 *funds provided under any other Federal program, to*  
 19 *satisfy, in whole or in part, the non-Federal share of*  
 20 *the project if such funds are authorized to be used to*  
 21 *carry out the project.*

22 **SEC. 3087. SAND CREEK WATERSHED, WAHOO, NEBRASKA.**

23 *The project for ecosystem restoration and flood damage*  
 24 *reduction, Sand Creek watershed, Wahoo, Nebraska, author-*

1 ized by section 101(b)(20) of the Water Resources Develop-  
 2 ment Act of 2000 (114 Stat. 2578), is modified—

3           (1) to direct the Secretary to provide credit to-  
 4 ward the non-Federal share of the cost of the project  
 5 or reimbursement for the costs of any work that has  
 6 been or will be performed by the non-Federal interest  
 7 before, on, or after the approval of the project partner-  
 8 ship agreement, including work performed by the non-  
 9 Federal interest in connection with the design and  
 10 construction of 7 upstream detention storage struc-  
 11 tures, if the Secretary determines that the work is in-  
 12 tegral to the project;

13           (2) to require that in-kind work to be credited  
 14 under paragraph (1) be subject to audit; and

15           (3) to direct the Secretary to accept advance  
 16 funds from the non-Federal interest as needed to  
 17 maintain the project schedule.

18 **SEC. 3088. LOWER CAPE MAY MEADOWS, CAPE MAY POINT,**

19 **NEW JERSEY.**

20       *The project for navigation mitigation, ecosystem res-*  
 21 *toration, shore protection, and hurricane and storm damage*  
 22 *reduction, Lower Cape May Meadows, Cape May Point,*  
 23 *New Jersey, authorized by section 101(a)(25) of the Water*  
 24 *Resources Development Act of 1999 (113 Stat. 278), is*  
 25 *modified to incorporate the project for shoreline erosion con-*

1 trol, Cape May Point, New Jersey, carried out under section  
 2 5 of the Act entitled “An Act authorizing Federal participa-  
 3 tion in the cost of protecting the shores of publicly owned  
 4 property”, approved August 13, 1946 (33 U.S.C. 426h), if  
 5 the Secretary determines that such incorporation is feasible.

6 **SEC. 3089. PASSAIC RIVER BASIN FLOOD MANAGEMENT,**  
 7 **NEW JERSEY.**

8 *The project for flood control, Passaic River, New Jer-*  
 9 *sey and New York, authorized by section 101(a)(18) of the*  
 10 *Water Resources Development Act of 1990 (104 Stat. 4607)*  
 11 *and modified by section 327 of the Water Resources Devel-*  
 12 *opment Act of 2000 (114 Stat. 2607), is further modified*  
 13 *to direct the Secretary to include the benefits and costs of*  
 14 *preserving natural flood storage in any future economic*  
 15 *analysis of the project.*

16 **SEC. 3090. BUFFALO HARBOR, NEW YORK.**

17 *The project for navigation, Buffalo Harbor, New York,*  
 18 *authorized by section 101 of the River and Harbor Act of*  
 19 *1962 (76 Stat. 1176), is modified to include measures to*  
 20 *enhance public access, at Federal cost of \$500,000.*

21 **SEC. 3091. ORCHARD BEACH, BRONX, NEW YORK.**

22 *Section 554 of the Water Resources Development Act*  
 23 *of 1996 (110 Stat. 3781) is amended by striking “maximum*  
 24 *Federal cost of \$5,200,000” and inserting “total cost of*  
 25 *\$20,000,000”.*



1 **SEC. 3092. PORT OF NEW YORK AND NEW JERSEY, NEW**  
2 **YORK AND NEW JERSEY.**

3 *The navigation project, Port of New York and New*  
4 *Jersey, New York and New Jersey, authorized by section*  
5 *101(a)(2) of the Water Resources Development Act of 2000*  
6 *(114 Stat. 2576), is modified—*

7 *(1) to authorize the Secretary to allow the non-*  
8 *Federal interest to construct a temporary dredged*  
9 *material storage facility to receive dredged material*  
10 *from the project if—*

11 *(A) the non-Federal interest submits, in*  
12 *writing, a list of potential sites for the tem-*  
13 *porary storage facility to the Committee on*  
14 *Transportation and Infrastructure of the House*  
15 *of Representatives, the Committee on Environ-*  
16 *ment and Public Works of the Senate, and the*  
17 *Secretary at least 180 days before the selection of*  
18 *the final site; and*

19 *(B) at least 70 percent of the dredged mate-*  
20 *rial generated in connection with the project*  
21 *suitable for beneficial reuse will be used at sites*  
22 *in the State of New Jersey to the extent that*  
23 *there are sufficient sites available; and*

24 *(2) to direct the Secretary to credit toward the*  
25 *non-Federal share of the cost of the project the cost of*  
26 *construction of the temporary storage facility if the*

1        *Secretary determines that the work is integral to the*  
 2        *project.*

3        **SEC. 3093. NEW YORK STATE CANAL SYSTEM.**

4        *Section 553(c) of the Water Resources Development Act*  
 5        *of 1996 (110 Stat. 3781) is amended to read as follows:*

6        *“(c) NEW YORK STATE CANAL SYSTEM DEFINED.—*  
 7        *In this section, the term ‘New York State Canal System’*  
 8        *means the 524 miles of navigable canal that comprise the*  
 9        *New York State Canal System, including the Erie, Cayuga-*  
 10       *Seneca, Oswego, and Champlain Canals and the historic*  
 11       *alignments of these canals, including the cities of Albany,*  
 12       *Rochester, and Buffalo.”.*

13       **SEC. 3094. LOWER GIRARD LAKE DAM, OHIO.**

14       *Section 507(1) of the Water Resources Development*  
 15       *Act of 1996 (110 Stat. 3758) is amended by striking*  
 16       *“\$2,500,000” and inserting “\$6,000,000”.*

17       **SEC. 3095. MAHONING RIVER, OHIO.**

18       *In carrying out the project for environmental dredg-*  
 19       *ing, authorized by section 312(f)(4) of the Water Resources*  
 20       *Development Act of 1990 (33 U.S.C. 1272(f)(4)), the Sec-*  
 21       *retary is directed to credit toward the non-Federal share*  
 22       *of the cost of the project the cost of work carried out by*  
 23       *the non-Federal interest before the date of the partnership*  
 24       *agreement for the project if the Secretary determines that*  
 25       *the work is integral to the project.*

1 **SEC. 3096. DELAWARE RIVER, PENNSYLVANIA, NEW JERSEY,**  
2 **AND DELAWARE.**

3 *The Secretary may remove debris from the project for*  
4 *navigation, Delaware River, Pennsylvania, New Jersey,*  
5 *and Delaware, Philadelphia to the Sea.*

6 **SEC. 3097. RAYSTOWN LAKE, PENNSYLVANIA.**

7 *The Secretary may take such action as may be nec-*  
8 *essary, including construction of a breakwater, to prevent*  
9 *shoreline erosion between .07 and 2.7 miles south of Penn-*  
10 *sylvania State Route 994 on the east shore of Raystown*  
11 *Lake, Pennsylvania.*

12 **SEC. 3098. SHERADEN PARK STREAM AND CHARTIERS**  
13 **CREEK, ALLEGHENY COUNTY, PENNSYL-**  
14 **VANIA.**

15 *The project for aquatic ecosystem restoration,*  
16 *Sheraden Park Stream and Chartiers Creek, Allegheny*  
17 *County, Pennsylvania, being carried out under section 206*  
18 *of the Water Resources Development Act of 1996 (33 U.S.C.*  
19 *2330), is modified to direct the Secretary to credit up to*  
20 *\$400,000 toward the non-Federal share of the cost of the*  
21 *project for planning and design work carried out by the*  
22 *non-Federal interest before the date of the partnership*  
23 *agreement for the project if the Secretary determines that*  
24 *the work is integral to the project.*

1 **SEC. 3099. SOLOMON’S CREEK, WILKES-BARRE, PENNSYL-**  
 2 **VANIA.**

3 *The project for flood control, Wyoming Valley, Penn-*  
 4 *sylvania, authorized by section 401(a) of the Water Re-*  
 5 *sources Development Act of 1986 (100 Stat. 4124), is modi-*  
 6 *fied to include as a project element the project for flood con-*  
 7 *trol for Solomon’s Creek, Wilkes-Barre, Pennsylvania.*

8 **SEC. 3100. SOUTH CENTRAL PENNSYLVANIA.**

9 *Section 313 of the Water Resources Development Act*  
 10 *of 1992 (106 Stat. 4845; 109 Stat. 407; 110 Stat. 3723;*  
 11 *113 Stat. 310; 117 Stat. 142) is amended—*

12 *(1) in subsection (g)(1) by striking*  
 13 *“\$180,000,000” and inserting “\$200,000,000”; and*

14 *(2) in subsection (h)(2) by striking “Allegheny,*  
 15 *Armstrong, Bedford, Blair, Cambria, Clearfield, Fay-*  
 16 *ette, Franklin, Fulton, Greene, Huntingdon, Indiana,*  
 17 *Juniata, Mifflin, Somerset, Snyder, Washington, and*  
 18 *Westmoreland Counties” and inserting “Allegheny,*  
 19 *Armstrong, Bedford, Blair, Cambria, Fayette, Frank-*  
 20 *lin, Fulton, Greene, Huntingdon, Indiana, Juniata,*  
 21 *Somerset, Washington, and Westmoreland Counties”.*

22 **SEC. 3101. WYOMING VALLEY, PENNSYLVANIA.**

23 *In carrying out the project for flood control, Wyoming*  
 24 *Valley, Pennsylvania, authorized by section 401(a) of the*  
 25 *Water Resources Development Act of 1986 (100 Stat. 4124),*

1 *the Secretary shall coordinate with non-Federal interests to*  
 2 *review opportunities for increased public access.*

3 **SEC. 3102. CEDAR BAYOU, TEXAS.**

4 *(a) CREDIT FOR PLANNING AND DESIGN.—The project*  
 5 *for navigation, Cedar Bayou, Texas, reauthorized by section*  
 6 *349(a)(2) of the Water Resources Development Act of 2000*  
 7 *(114 Stat. 2632), is modified to direct the Secretary to cred-*  
 8 *it toward the non-Federal share of the cost of the project*  
 9 *the cost of planning and design work carried out by the*  
 10 *non-Federal interest for the project if the Secretary deter-*  
 11 *mines that such work is integral to the project.*

12 *(b) COST SHARING.—Cost sharing for construction*  
 13 *and operation and maintenance of the project shall be deter-*  
 14 *mined in accordance with section 101 of the Water Re-*  
 15 *sources Development Act of 1986 (33 U.S.C. 2211).*

16 **SEC. 3103. FREEPORT HARBOR, TEXAS.**

17 *The project for navigation, Freeport Harbor, Texas,*  
 18 *authorized by section 101 of the Rivers and Harbors Act*  
 19 *of 1970 (84 Stat. 1818), is modified.—*

20 *(1) to direct the Secretary to credit toward the*  
 21 *non-Federal share of the cost of the project the cost of*  
 22 *the planning, design, and construction work carried*  
 23 *out by the non-Federal interest before the date of the*  
 24 *partnership agreement for the project if the Secretary*

1       *determines that the work is integral to the project;*  
2       *and*

3               *(2) to direct the Secretary to remove the sunken*  
4       *vessel “COMSTOCK” at Federal expense.*

5   **SEC. 3104. LAKE KEMP, TEXAS.**

6       *(a) IN GENERAL.—The Secretary may not take any*  
7       *legal or administrative action seeking to remove a Lake*  
8       *Kemp improvement before the earlier of January 1, 2020,*  
9       *or the date of any transfer of ownership of the improvement*  
10      *occurring after the date of enactment of this Act.*

11      *(b) LIMITATION ON LIABILITY.—The United States, or*  
12      *any of its officers, agents, or assignees, shall not be liable*  
13      *for any injury, loss, or damage accruing to the owners of*  
14      *a Lake Kemp improvement, their lessees, or occupants as*  
15      *a result of any flooding or inundation of such improvements*  
16      *by the waters of the Lake Kemp reservoir, or for such in-*  
17      *jury, loss, or damage as may occur through the operation*  
18      *and maintenance of the Lake Kemp dam and reservoir in*  
19      *any manner.*

20      *(c) LAKE KEMP IMPROVEMENT DEFINED.—In this sec-*  
21      *tion, the term “Lake Kemp improvement” means an im-*  
22      *provement (including dwellings) located within the flowage*  
23      *easement of Lake Kemp, Texas, below elevation 1159 feet*  
24      *mean sea level.*

1 **SEC. 3105. LOWER RIO GRANDE BASIN, TEXAS.**

2       *The project for flood control, Lower Rio Grande Basin,*  
 3 *Texas, authorized by section 401(a) of the Water Resources*  
 4 *Development Act of 1986 (100 Stat. 4125), is modified—*

5           *(1) to include as part of the project flood protec-*  
 6 *tion works to reroute drainage to Raymondville*  
 7 *Drain constructed by the non-Federal interests in Hi-*  
 8 *dalgo County in the vicinity of Edinburg, Texas, if*  
 9 *the Secretary determines that such work meets feasi-*  
 10 *bility requirements;*

11          *(2) to direct the Secretary to credit toward the*  
 12 *non-Federal share of the cost of the project the cost of*  
 13 *planning, design, and construction work carried out*  
 14 *by the non-Federal interest before the date of the part-*  
 15 *nership agreement for the project if the Secretary de-*  
 16 *termines that the work is integral to the project; and*

17          *(3) to direct the Secretary in calculating the*  
 18 *non-Federal share of the cost of the project, to make*  
 19 *a determination, within 180 days after the date of en-*  
 20 *actment of this Act, under section 103(m) of the*  
 21 *Water Resources Development Act of 1986 (33 U.S.C.*  
 22 *2213(m)) on the non-Federal interest's ability to pay.*

23 **SEC. 3106. NORTH PADRE ISLAND, CORPUS CHRISTI BAY,**  
 24 **TEXAS.**

25       *The project for ecosystem restoration and storm dam-*  
 26 *age reduction, North Padre Island, Corpus Christi Bay,*

1 *Texas, authorized by section 556 of the Water Resources De-*  
2 *velopment Act of 1999 (113 Stat. 353), is modified to in-*  
3 *clude recreation as a project purpose.*

4 **SEC. 3107. PAT MAYSE LAKE, TEXAS.**

5 *The Secretary is directed to accept from the city of*  
6 *Paris, Texas, \$3,461,432 as payment in full of monies owed*  
7 *to the United States for water supply storage space in Pat*  
8 *Mayse Lake, Texas, under contract number DA-34-066-*  
9 *CIVENG-65-1272, including accrued interest.*

10 **SEC. 3108. PROCTOR LAKE, TEXAS.**

11 *The Secretary is authorized to purchase fee simple title*  
12 *to all properties located within the boundaries, and nec-*  
13 *essary for the operation, of the Proctor Lake project, Texas,*  
14 *authorized by section 203 of the Flood Control Act of 1954*  
15 *(68 Stat. 1259).*

16 **SEC. 3109. SAN ANTONIO CHANNEL, SAN ANTONIO, TEXAS.**

17 *The project for flood control, San Antonio Channel,*  
18 *Texas, authorized by section 203 of the Flood Control Act*  
19 *of 1954 (68 Stat. 1259) as part of the comprehensive plan*  
20 *for flood protection on the Guadalupe and San Antonio*  
21 *Rivers in Texas and modified by section 103 of the Water*  
22 *Resources Development Act of 1976 (90 Stat. 2921) and sec-*  
23 *tion 335 of the Water Resources Development Act of 2000*  
24 *(114 Stat. 2611), is further modified to authorize the Sec-*  
25 *retary to credit toward the non-Federal share of the cost*



1 *of the project the cost of design and construction work car-*  
 2 *ried out by the non-Federal interest for the project if the*  
 3 *Secretary determines that the work is integral to the project.*

4 **SEC. 3110. LEE, RUSSELL, SCOTT, SMYTH, TAZEWELL, AND**  
 5 **WISE COUNTIES, VIRGINIA.**

6 *The project for flood control, Levisa and Tug Forks*  
 7 *of the Big Sandy River and Upper Cumberland River, au-*  
 8 *thorized by section 202 of the Energy and Water Develop-*  
 9 *ment Appropriation Act, 1981 (94 Stat. 1339) and modi-*  
 10 *fied by section 352 of the Water Resources Development Act*  
 11 *of 1996 (110 Stat. 3724–3725) and section 336 of the Water*  
 12 *Resources Development Act of 2000 (114 Stat. 2611), is fur-*  
 13 *ther modified to direct the Secretary to determine the abil-*  
 14 *ity of Lee, Russell, Scott, Smyth, Tazewell, and Wise Coun-*  
 15 *ties, Virginia, to pay the non-Federal share of the cost of*  
 16 *the project based solely on the criterion specified in section*  
 17 *103(m)(3)(A)(i) of the Water Resources Development Act of*  
 18 *1986 (33 U.S.C. 2213(m)(3)(A)(i)).*

19 **SEC. 3111. TANGIER ISLAND SEAWALL, VIRGINIA.**

20 *Section 577(a) of the Water Resources Development*  
 21 *Act of 1996 (110 Stat. 3789) is amended by striking “at*  
 22 *a total cost of \$1,200,000, with an estimated Federal cost*  
 23 *of \$900,000 and an estimated non-Federal cost of*  
 24 *\$300,000.” and inserting “at a total cost of \$3,000,000,*

1 *with an estimated Federal cost of \$2,500,000 and an esti-*  
 2 *mated non-Federal cost of \$750,000.”.*

3 **SEC. 3112. DUWAMISH/GREEN, WASHINGTON.**

4 *The project for ecosystem restoration, Duwamish/*  
 5 *Green, Washington, authorized by section 101(b)(26) of the*  
 6 *Water Resources Development Act of 2000 (114 Stat. 2579),*  
 7 *is modified—*

8 *(1) to direct the Secretary to credit toward the*  
 9 *non-Federal share of the cost of the project the cost of*  
 10 *work carried out by the non-Federal interest before,*  
 11 *on, or after the date of the partnership agreement for*  
 12 *the project if the Secretary determines that the work*  
 13 *is integral to the project; and*

14 *(2) to authorize the non-Federal interest to pro-*  
 15 *vide any portion of the non-Federal share of the cost*  
 16 *of the project in the form of in-kind services and ma-*  
 17 *terials.*

18 **SEC. 3113. YAKIMA RIVER, PORT OF SUNNYSIDE, WASH-**  
 19 **INGTON.**

20 *The project for aquatic ecosystem restoration, Yakima*  
 21 *River, Port of Sunnyside, Washington, being carried out*  
 22 *under section 206 of the Water Resources Development Act*  
 23 *of 1996 (33 U.S.C. 2330), is modified to direct the Secretary*  
 24 *to credit toward the non-Federal share of the cost of the*  
 25 *project the cost of work carried out by the non-Federal in-*

1 *terest before the date of the partnership agreement for the*  
 2 *project if the Secretary determines that the work is integral*  
 3 *to the project.*

4 **SEC. 3114. GREENBRIER RIVER BASIN, WEST VIRGINIA.**

5 *Section 579(c) of the Water Resources Development Act*  
 6 *of 1996 (110 Stat. 3790; 113 Stat. 312) is amended by*  
 7 *striking “\$47,000,000” and inserting “\$99,000,000”.*

8 **SEC. 3115. LESAGE/GREENBOTTOM SWAMP, WEST VIRGINIA.**

9 *Section 30(d) of the Water Resources Development Act*  
 10 *of 1988 (102 Stat. 4030; 114 Stat. 2678) is amended to*  
 11 *read as follows:*

12 *“(d) HISTORIC STRUCTURE.—The Secretary shall en-*  
 13 *sure the preservation and restoration of the structure known*  
 14 *as the ‘Jenkins House’, and the reconstruction of associated*  
 15 *buildings and landscape features of such structure located*  
 16 *within the Lesage/Greenbottom Swamp in accordance with*  
 17 *the Secretary of the Interior’s standards for the treatment*  
 18 *of historic properties. Amounts made available for expendi-*  
 19 *ture for the project authorized by section 301(a) of the*  
 20 *Water Resources Development Act of 1986 (100 Stat. 4110)*  
 21 *shall be available for the purposes of this subsection.”.*

22 **SEC. 3116. NORTHERN WEST VIRGINIA.**

23 *Section 557 of the Water Resources Development Act*  
 24 *of 1999 (113 Stat. 353) is amended—*

25 *(1) in the first sentence by striking “favorable”;*

1           (2) by striking “\$8,400,000” and inserting  
2           “\$12,000,000”; and

3           (3) by striking “\$4,200,000” each place it ap-  
4           pears and inserting “\$6,000,000”.

5 **SEC. 3117. MANITOWOC HARBOR, WISCONSIN.**

6           *The project for navigation, Manitowoc Harbor, Wis-*  
7 *consin, authorized by the River and Harbor Act of August*  
8 *30, 1852 (10 Stat. 58), is modified to direct the Secretary*  
9 *to deepen the upstream reach of the navigation channel*  
10 *from 12 feet to 18 feet, at a total cost of \$405,000.*

11 **SEC. 3118. MISSISSIPPI RIVER HEADWATERS RESERVOIRS.**

12           *Section 21 of the Water Resources Development Act of*  
13 *1988 (102 Stat. 4027) is amended—*

14           (1) in subsection (a)—

15                   (A) by striking “1276.42” and inserting  
16                   “1278.42”;

17                   (B) by striking “1218.31” and inserting  
18                   “1221.31”; and

19                   (C) by striking “1234.82” and inserting  
20                   “1235.30”; and

21           (2) by striking subsection (b) and inserting the  
22           following:

23           “(b) *EXCEPTION.—The Secretary may operate the*  
24 *headwaters reservoirs below the minimum or above the max-*  
25 *imum water levels established in subsection (a) in accord-*

1 *ance with water control regulation manuals (or revisions*  
 2 *thereto) developed by the Secretary, after consultation with*  
 3 *the Governor of Minnesota and affected tribal governments,*  
 4 *landowners, and commercial and recreational users. The*  
 5 *water control regulation manuals (and any revisions there-*  
 6 *to) shall be effective when the Secretary transmits them to*  
 7 *Congress. The Secretary shall report to Congress at least*  
 8 *14 days before operating any such headwaters reservoir*  
 9 *below the minimum or above the maximum water level lim-*  
 10 *its specified in subsection (a); except that notification is*  
 11 *not required for operations necessary to prevent the loss of*  
 12 *life or to ensure the safety of the dam or if the drawdown*  
 13 *of lake levels is in anticipation of flood control operations.”.*

14 **SEC. 3119. CONTINUATION OF PROJECT AUTHORIZATIONS.**

15 *(a) IN GENERAL.—Notwithstanding section 1001(b)(2)*  
 16 *of the Water Resources Development Act of 1986 (33 U.S.C.*  
 17 *579a(b)(2)), the following projects shall remain authorized*  
 18 *to be carried out by the Secretary:*

19 *(1) The project for navigation, Sacramento Deep*  
 20 *Water Ship Channel, California, authorized by sec-*  
 21 *tion 202(a) of the Water Resources Development Act*  
 22 *of 1986 (100 Stat. 4092).*

23 *(2) The project for flood control, Agana River,*  
 24 *Guam, authorized by section 401(a) of the Water Re-*  
 25 *sources Development Act of 1986 (100 Stat. 4127).*

1           (3) *The project for navigation, Fall River Har-*  
 2           *bor, Massachusetts, authorized by section 101 of the*  
 3           *River and Harbor Act of 1968 (82 Stat. 731); except*  
 4           *that the authorized depth of that portion of the project*  
 5           *extending riverward of the Charles M. Braga, Jr. Me-*  
 6           *morial Bridge, Fall River and Somerset, Massachu-*  
 7           *setts, shall not exceed 35 feet.*

8           (b) *LIMITATION.*—*A project described in subsection (a)*  
 9           *shall not be authorized for construction after the last day*  
 10          *of the 5-year period beginning on the date of enactment of*  
 11          *this Act, unless, during such period, funds have been obli-*  
 12          *gated for the construction (including planning and design)*  
 13          *of the project.*

14       **SEC. 3120. PROJECT REAUTHORIZATIONS.**

15          *Each of the following projects may be carried out by*  
 16          *the Secretary and no construction on any such project may*  
 17          *be initiated until the Secretary determines that the project*  
 18          *is feasible:*

19               (1) *MENOMINEE HARBOR AND RIVER, MICHIGAN*  
 20               *AND WISCONSIN.*—*The project for navigation, Menom-*  
 21               *inee Harbor and River, Michigan and Wisconsin, au-*  
 22               *thorized by section 101 of the River and Harbor Act*  
 23               *of 1960 (74 Stat. 482) and deauthorized on April 15,*  
 24               *2002, in accordance with section 1001(b)(2) of the*

1     *Water Resources Development Act of 1986 (33 U.S.C.*  
 2     *579a(b)(2)).*

3           (2) *MANITOWOC HARBOR, WISCONSIN.—That*  
 4     *portion of the project for navigation, Manitowoc Har-*  
 5     *bor, Wisconsin, authorized by the first section of the*  
 6     *River and Harbor Act of August 30, 1852 (10 Stat.*  
 7     *58), consisting of the channel in the south part of the*  
 8     *outer harbor, deauthorized by section 101 of the River*  
 9     *and Harbor Act of 1962 (76 Stat. 1176).*

10          (3) *HEARDING ISLAND INLET, DULUTH HARBOR,*  
 11     *MINNESOTA.—The project for dredging, Hearing Is-*  
 12     *land Inlet, Duluth Harbor, Minnesota, authorized by*  
 13     *section 22 of the Water Resources Development Act of*  
 14     *1988 (102 Stat. 4027).*

15     **SEC. 3121. PROJECT DEAUTHORIZATIONS.**

16          (a) *IN GENERAL.—The following projects are not au-*  
 17     *thorized after the date of enactment of this Act:*

18           (1) *BRIDGEPORT HARBOR, CONNECTICUT.—The*  
 19     *portion of the project for navigation, Bridgeport Har-*  
 20     *bor, Connecticut, authorized by the first section of the*  
 21     *River and Harbor Act of July 3, 1930 (46 Stat. 919),*  
 22     *consisting of an 18-foot channel in Yellow Mill River*  
 23     *and described as follows: Beginning at a point along*  
 24     *the eastern limit of the existing project, N123,649.75,*  
 25     *E481,920.54, thence running northwesterly about*

1     52.64 feet to a point N123,683.03, E481,879.75,  
 2     thence running northeasterly about 1,442.21 feet to a  
 3     point N125,030.08, E482,394.96, thence running  
 4     northeasterly about 139.52 feet to a point along the  
 5     eastern limit of the existing channel, N125,133.87,  
 6     E482,488.19, thence running southwesterly about  
 7     1,588.98 feet to the point of origin.

8           (2) MYSTIC RIVER, CONNECTICUT.—The portion  
 9     of the project for navigation, Mystic River, Con-  
 10    necticut, authorized by the first section of the River  
 11    and Harbor Appropriations Act of September 19,  
 12    1890 (26 Stat. 436) consisting of a 12-foot-deep chan-  
 13    nel, approximately 7,554 square feet in area, starting  
 14    at a point N193,086.51, E815,092.78, thence running  
 15    north 59 degrees 21 minutes 46.63 seconds west about  
 16    138.05 feet to a point N193,156.86, E814,974.00,  
 17    thence running north 51 degrees 04 minutes 39.00  
 18    seconds west about 166.57 feet to a point  
 19    N193,261.51, E814,844.41, thence running north 43  
 20    degrees 01 minutes 34.90 seconds west about 86.23  
 21    feet to a point N193,324.55, E814,785.57, thence run-  
 22    ning north 06 degrees 42 minutes 03.86 seconds west  
 23    about 156.57 feet to a point N193,480.05,  
 24    E814,767.30, thence running south 21 degrees 21  
 25    minutes 17.94 seconds east about 231.42 feet to a



1      *point N193,264.52, E814,851.57, thence running*  
 2      *south 53 degrees 34 minutes 23.28 seconds east about*  
 3      *299.78 feet to the point of origin.*

4            (3) *NEW LONDON HARBOR, CONNECTICUT.—The*  
 5      *portion of the project for navigation, New London*  
 6      *Harbor, Connecticut, authorized by the River and*  
 7      *Harbor Appropriations Act of June 13, 1902 (32*  
 8      *Stat. 333), that consists of a 23-foot waterfront chan-*  
 9      *nel and that is further described as beginning at a*  
 10     *point along the western limit of the existing project,*  
 11     *N188,802.75, E779,462.81, thence running northeast-*  
 12     *erly about 1,373.88 feet to a point N189,554.87,*  
 13     *E780,612.53, thence running southeasterly about*  
 14     *439.54 feet to a point N189,319.88, E780,983.98,*  
 15     *thence running southwesterly about 831.58 feet to a*  
 16     *point N188,864.63, E780,288.08, thence running*  
 17     *southeasterly about 567.39 feet to a point*  
 18     *N188,301.88, E780,360.49, thence running northwest-*  
 19     *erly about 1,027.96 feet to the point of origin.*

20            (4) *FALMOUTH HARBOR, MASSACHUSETTS.—The*  
 21     *portion of the project for navigation, th Harbor, Mas-*  
 22     *sachusetts, authorized by section 101 of the River and*  
 23     *Harbor Act of 1948 (62 Stat. 1172), beginning at a*  
 24     *point along the eastern side of the inner harbor*  
 25     *N200,415.05, E845,307.98, thence running north 25*

1        *degrees 48 minutes 54.3 seconds east 160.24 feet to a*  
 2        *point N200,559.20, E845,377.76, thence running*  
 3        *north 22 degrees 7 minutes 52.4 seconds east 596.82*  
 4        *feet to a point N201,112.15, E845,602.60, thence run-*  
 5        *ning north 60 degrees 1 minute 0.3 seconds east 83.18*  
 6        *feet to a point N201,153.72, E845,674.65, thence run-*  
 7        *ning south 24 degrees 56 minutes 43.4 seconds west*  
 8        *665.01 feet to a point N200,550.75, E845,394.18,*  
 9        *thence running south 32 degrees 25 minutes 29.0 sec-*  
 10       *onds west 160.76 feet to the point of origin.*

11            (5) *ISLAND END RIVER, MASSACHUSETTS.—The*  
 12        *portion of the project for navigation, Island End*  
 13        *River, Massachusetts, carried out under section 107 of*  
 14        *the River and Harbor Act of 1960 (33 U.S.C. 577),*  
 15        *described as follows: Beginning at a point along the*  
 16        *eastern limit of the existing project, N507,348.98,*  
 17        *E721,180.01, thence running northeast about 35 feet*  
 18        *to a point N507,384.17, E721,183.36, thence running*  
 19        *northeast about 324 feet to a point N507,590.51,*  
 20        *E721,433.17, thence running northeast about 345 feet*  
 21        *to a point along the northern limit of the existing*  
 22        *project, N507,927.29, E721,510.29, thence running*  
 23        *southeast about 25 feet to a point N507,921.71,*  
 24        *E721,534.66, thence running southwest about 354 feet*

1       to a point N507,576.65, E721,455.64, thence running  
2       southwest about 357 feet to the point of origin.

3               (6) CITY WATERWAY, TACOMA, WASHINGTON.—

4       The portion of the project for navigation, City Water-  
5       way, Tacoma, Washington, authorized by the first sec-  
6       tion of the River and Harbor Appropriations Act of  
7       June 13, 1902 (32 Stat. 347), consisting of the last  
8       1,000 linear feet of the inner portion of the waterway  
9       beginning at station 70+00 and ending at station  
10      80+00.

11              (7) AUNT LYDIA'S COVE, MASSACHUSETTS.—

12              (A) IN GENERAL.—The portion of the  
13      project for navigation, Aunt Lydia's Cove, Mas-  
14      sachusetts, constructed under section 107 of the  
15      River and Harbor Act of 1960 (33 U.S.C. 577),  
16      consisting of the 8-foot deep anchorage in the  
17      cove described in subparagraph (B).

18              (B) DESCRIPTION OF PORTION.—The por-  
19      tion of the project described in subparagraph (A)  
20      is more particularly described as the portion be-  
21      ginning at a point along the southern limit of  
22      the existing project, N254,332.00, E1,023,103.96,  
23      thence running northwesterly about 761.60 feet  
24      to a point along the western limit of the existing  
25      project N255,076.84, E1,022,945.07, thence run-

1            *ning southwesterly about 38.11 feet to a point*  
 2            *N255,038.99, E1,022,940.60, thence running*  
 3            *southeasterly about 267.07 feet to a point*  
 4            *N254,772.00, E1,022,947.00, thence running*  
 5            *southeasterly about 462.41 feet to a point*  
 6            *N254,320.06, E1,023,044.84, thence running*  
 7            *northeasterly about 60.31 feet to the point of ori-*  
 8            *gin.*

9            (b) *SOUTHPORT HARBOR, FAIRFIELD, CON-*  
 10 *NECTICUT.—The project for navigation, Southport Harbor,*  
 11 *Fairfield, Connecticut, authorized by section 2 of the River*  
 12 *and Harbor Act of March 2, 1829, and by the first section*  
 13 *of the River and Harbor Act of August 30, 1935 (49 Stat.*  
 14 *1029), and section 364 of the Water Resources Development*  
 15 *Act of 1996 (110 Stat. 3733–3734), is further modified to*  
 16 *redesignate a portion of the 9-foot-deep channel as an an-*  
 17 *chorage area, approximately 900 feet in length and 90,000*  
 18 *square feet in area, and lying generally north of a line with*  
 19 *points at coordinates N108,043.45, E452,252.04 and*  
 20 *N107,938.74, E452,265.74.*

21            (c) *SACO RIVER, MAINE.—The portion of the project*  
 22 *for navigation, Saco River, Maine, authorized under section*  
 23 *107 of the River and Harbor Act of 1960 (33 U.S.C. 577)*  
 24 *and described as a 6-foot deep, 10-acre turning basin lo-*

1 cated at the head of navigation, is redesignated as an an-  
 2 chorage area.

3 (d) *UNION RIVER, MAINE.*—The project for naviga-  
 4 tion, Union River, Maine, authorized by the first section  
 5 of the Act of June 3, 1896 (29 Stat. 215), is modified by  
 6 redesignating as an anchorage area that portion of the  
 7 project consisting of a 6-foot turning basin and lying north-  
 8 erly of a line commencing at a point N315,975.13,  
 9 E1,004,424.86, thence running north 61 degrees 27 minutes  
 10 20.71 seconds west about 132.34 feet to a point  
 11 N316,038.37, E1,004,308.61.

12 (e) *MYSTIC RIVER, MASSACHUSETTS.*—The portion of  
 13 the project for navigation, Mystic River, Massachusetts, au-  
 14 thorized by the first section of the River and Harbor Appro-  
 15 priations Act of July 13, 1892 (27 Stat. 96), between a line  
 16 starting at a point N515,683.77, E707,035.45 and ending  
 17 at a point N515,721.28, E707,069.85 and a line starting  
 18 at a point N514,595.15, E707,746.15 and ending at a point  
 19 N514,732.94, E707,658.38 shall be relocated and reduced  
 20 from a 100-foot wide channel to a 50-foot wide channel after  
 21 the date of enactment of this Act described as follows: Begin-  
 22 ning at a point N515,721.28, E707,069.85, thence running  
 23 southeasterly about 840.50 feet to a point N515,070.16,  
 24 E707,601.27, thence running southeasterly about 177.54 feet  
 25 to a point N514,904.84, E707,665.98, thence running south-

1 easterly about 319.90 feet to a point with coordinates  
 2 N514,595.15, E707,746.15, thence running northwesterly  
 3 about 163.37 feet to a point N514,732.94, E707,658.38,  
 4 thence running northwesterly about 161.58 feet to a point  
 5 N514,889.47, E707,618.30, thence running northwesterly  
 6 about 166.61 feet to a point N515,044.62, E707,557.58,  
 7 thence running northwesterly about 825.31 feet to a point  
 8 N515,683.77, E707,035.45, thence running northeasterly  
 9 about 50.90 feet returning to a point N515,721.28,  
 10 E707,069.85.

11 (f) *CONDITIONS.*—*The first sentence of section*  
 12 *1001(b)(2) of the Water Resources Development Act of 1986*  
 13 *(33 U.S.C. 579a(b)(2)) is amended—*

14 (1) *by striking “two years” and inserting*  
 15 *“year”; and*

16 (2) *by striking “7” and inserting “5”.*

17 **SEC. 3122. LAND CONVEYANCES.**

18 (a) *ST. FRANCIS BASIN, ARKANSAS AND MISSOURI.*—

19 (1) *IN GENERAL.*—*The Secretary shall convey to*  
 20 *the State of Arkansas, without monetary consider-*  
 21 *ation and subject to paragraph (2), all right, title,*  
 22 *and interest in and to real property within the State*  
 23 *acquired by the Federal Government as mitigation*  
 24 *land for the project for flood control, St. Francis*  
 25 *Basin, Arkansas and Missouri Project, authorized by*

1       *the Flood Control Act of May 15, 1928 (33 U.S.C.*  
2       *702a et seq.).*

3               (2) *TERMS AND CONDITIONS.—*

4               (A) *IN GENERAL.—The conveyance by the*  
5       *United States under this subsection shall be sub-*  
6       *ject to—*

7               (i) *the condition that the State of Ar-*  
8       *kansas agree to operate, maintain, and*  
9       *manage the real property for fish and wild-*  
10      *life, recreation, and environmental purposes*  
11      *at no cost or expense to the United States;*  
12      *and*

13              (ii) *such other terms and conditions as*  
14      *the Secretary determines to be in the inter-*  
15      *est of the United States.*

16              (B) *REVERSION.—If the Secretary deter-*  
17      *mines that the real property conveyed under*  
18      *paragraph (1) ceases to be held in public owner-*  
19      *ship or the State ceases to operate, maintain,*  
20      *and manage the real property in accordance*  
21      *with this subsection, all right, title, and interest*  
22      *in and to the property shall revert to the United*  
23      *States, at the option of the Secretary.*

24              (3) *MITIGATION.—Nothing in this subsection ex-*  
25      *tinguishes the responsibility of the Federal Govern-*

1        *ment or the non-Federal interest for the project re-*  
2        *ferred to in paragraph (1) from the obligation to im-*  
3        *plement mitigation for such project that existed on the*  
4        *day prior to the transfer authorized by this sub-*  
5        *section.*

6        *(b) MILFORD, KANSAS.—*

7            *(1) IN GENERAL.—The Secretary shall convey by*  
8        *quitclaim deed without consideration to the Geary*  
9        *County Fire Department, Milford, Kansas, all right,*  
10       *title, and interest of the United States in and to real*  
11       *property consisting of approximately 7.4 acres located*  
12       *in Geary County, Kansas, for construction, operation,*  
13       *and maintenance of a fire station.*

14          *(2) REVERSION.—If the Secretary determines*  
15       *that the real property conveyed under paragraph (1)*  
16       *ceases to be held in public ownership or ceases to be*  
17       *operated and maintained as a fire station, all right,*  
18       *title, and interest in and to the property shall revert*  
19       *to the United States, at the option of the United*  
20       *States.*

21        *(c) PIKE COUNTY, MISSOURI.—*

22            *(1) IN GENERAL.—At such time as S.S.S., Inc.,*  
23        *conveys all right, title and interest in and to the real*  
24        *property described in paragraph (2)(A) to the United*  
25        *States, the Secretary shall convey all right, title, and*



1       *interest of the United States in and to the real prop-*  
2       *erty described in paragraph (2)(B) to S.S.S., Inc.*

3               (2) *LAND DESCRIPTION.—The parcels of land re-*  
4       *ferred to in paragraph (1) are the following:*

5               (A) *NON-FEDERAL LAND.—Approximately*  
6       *42 acres, the exact legal description to be deter-*  
7       *mined by mutual agreement of S.S.S., Inc., and*  
8       *the Secretary, subject to any existing flowage*  
9       *easements situated in Pike County, Missouri, up-*  
10       *stream and northwest, about a 200-foot distance*  
11       *from Drake Island (also known as Grimes Is-*  
12       *land).*

13              (B) *FEDERAL LAND.—Approximately 42*  
14       *acres, the exact legal description to be deter-*  
15       *mined by mutual agreement of S.S.S. Inc., and*  
16       *the Secretary, situated in Pike County, Missouri,*  
17       *known as Government Tract Numbers MIs-7*  
18       *and a portion of FM-46 (both tracts on Buffalo*  
19       *Island), administered by the Corps of Engineers.*

20              (3) *CONDITIONS.—The exchange of real property*  
21       *under paragraph (1) shall be subject to the following*  
22       *conditions:*

23              (A) *DEEDS.—*

24                      (i) *NON-FEDERAL LAND.—The convey-*  
25       *ance of the real property described in para-*

1           *graph (2)(A) to the Secretary shall be by a*  
2           *warranty deed acceptable to the Secretary.*

3           (ii) *FEDERAL LAND.—The instrument*  
4           *of conveyance used to convey the real prop-*  
5           *erty described in paragraph (2)(B) to*  
6           *S.S.S., Inc., shall be by quitclaim deed and*  
7           *contain such reservations, terms, and condi-*  
8           *tions as the Secretary considers necessary to*  
9           *allow the United States to operate and*  
10          *maintain the Mississippi River 9-Foot*  
11          *Navigation Project.*

12          (B) *REMOVAL OF IMPROVEMENTS.—S.S.S.,*  
13          *Inc., may remove, and the Secretary may require*  
14          *S.S.S., Inc., to remove, any improvements on the*  
15          *land described in paragraph (2)(A).*

16          (C) *TIME LIMIT FOR EXCHANGE.—The land*  
17          *exchange under paragraph (1) shall be completed*  
18          *not later than 2 years after the date of enact-*  
19          *ment of this Act.*

20          (4) *VALUE OF PROPERTIES.—If the appraised*  
21          *fair market value, as determined by the Secretary, of*  
22          *the real property conveyed to S.S.S., Inc., by the Sec-*  
23          *retary under paragraph (1) exceeds the appraised fair*  
24          *market value, as determined by the Secretary, of the*  
25          *real property conveyed to the United States by S.S.S.,*

1        *Inc., under paragraph (1), S.S.S., Inc., shall make a*  
 2        *payment to the United States equal to the excess in*  
 3        *cash or a cash equivalent that is satisfactory to the*  
 4        *Secretary.*

5        *(d) BOARDMAN, OREGON.—Section 501(g)(1) of the*  
 6        *Water Resources Development Act of 1996 (110 Stat. 3751)*  
 7        *is amended—*

8                *(1) by striking “city of Boardman,” and insert-*  
 9                *ing “the Boardman Park and Recreation District,*  
 10                *Boardman,”; and*

11                *(2) by striking “such city” and inserting “the*  
 12                *city of Boardman”.*

13        *(e) LOWELL, OREGON.—*

14                *(1) IN GENERAL.—The Secretary may convey*  
 15                *without consideration to Lowell School District, by*  
 16                *quitclaim deed, all right, title, and interest of the*  
 17                *United States in and to land and buildings thereon,*  
 18                *known as Tract A-82, located in Lowell, Oregon, and*  
 19                *described in paragraph (2).*

20                *(2) DESCRIPTION OF PROPERTY.—The parcel of*  
 21                *land authorized to be conveyed under paragraph (1)*  
 22                *is as follows: Commencing at the point of intersection*  
 23                *of the west line of Pioneer Street with the westerly ex-*  
 24                *tension of the north line of Summit Street, in Mead-*  
 25                *ows Addition to Lowell, as platted and recorded at*

1     *page 56 of Volume 4, Lane County Oregon Plat*  
2     *Records; thence north on the west line of Pioneer*  
3     *Street a distance of 176.0 feet to the true point of be-*  
4     *ginning of this description; thence north on the west*  
5     *line of Pioneer Street a distance of 170.0 feet; thence*  
6     *west at right angles to the west line of Pioneer Street*  
7     *a distance of 250.0 feet; thence south and parallel to*  
8     *the west line of Pioneer Street a distance of 170.0 feet;*  
9     *thence east 250.0 feet to the true point of beginning*  
10    *of this description in Section 14, Township 19 South,*  
11    *Range 1 West of the Willamette Meridian, Lane*  
12    *County, Oregon.*

13           (3) *TERMS AND CONDITIONS.—Before conveying*  
14    *the parcel to the school district, the Secretary shall*  
15    *ensure that the conditions of buildings and facilities*  
16    *meet the requirements of applicable Federal law.*

17           (4) *REVERSION.—If the Secretary determines*  
18    *that the property conveyed under paragraph (1)*  
19    *ceases to be held in public ownership, all right, title,*  
20    *and interest in and to the property shall revert to the*  
21    *United States, at the option of the United States.*

22    (f) *LOWELL, OREGON.—*

23           (1) *RELEASE AND EXTINGUISHMENT OF DEED*  
24    *RESERVATIONS.—*

1           (A) *RELEASE AND EXTINGUISHMENT OF*  
2           *DEED RESERVATIONS.*—*The Secretary may re-*  
3           *lease and extinguish the deed reservations for ac-*  
4           *cess and communication cables contained in the*  
5           *quitclaim deed, dated January 26, 1965, and re-*  
6           *corded February 15, 1965, in the records of Lane*  
7           *County, Oregon; except that such reservations*  
8           *may only be released and extinguished for the*  
9           *lands owned by the city of Lowell as described*  
10          *in the quitclaim deed, dated April 11, 1991, in*  
11          *such records.*

12          (B) *ADDITIONAL RELEASE AND EXTINGUISHMENT OF DEED RESERVATIONS.*—*The Sec-*  
13          *retary may also release and extinguish the same*  
14          *deed reservations referred to in subparagraph*  
15          *(A) over land owned by Lane County, Oregon,*  
16          *within the city limits of Lowell, Oregon, to ac-*  
17          *commodate the development proposals of the city*  
18          *of Lowell/St. Vincent de Paul, Lane County, af-*  
19          *fordable housing project; except that the Sec-*  
20          *retary may require, at no cost to the United*  
21          *States—*

23                 *(i) the alteration or relocation of any*  
24                 *existing facilities, utilities, roads, or similar*  
25                 *improvements on such lands; and*

1                   (ii) the right-of-way for such facilities,  
2                   utilities, or improvements, as a pre-condi-  
3                   tion of any release or extinguishment of the  
4                   deed reservations.

5           (2) CONVEYANCE.—The Secretary may convey to  
6           the city of Lowell, Oregon, at fair market value the  
7           parcel of land situated in the city of Lowell, Oregon,  
8           at fair market value consisting of the strip of feder-  
9           ally-owned lands located northeast of West Boundary  
10          Road between Hyland Lane and the city of Lowell's  
11          eastward city limits.

12          (3) ADMINISTRATIVE COST.—Notwithstanding  
13          paragraphs (1) and (2), the city of Lowell, Oregon,  
14          shall pay the administrative costs incurred by the  
15          United States to execute the release and extinguish-  
16          ment of the deed reservations under paragraph (1)  
17          and the conveyance under paragraph (2).

18          (g) RICHARD B. RUSSELL LAKE, SOUTH CAROLINA.—

19               (1) IN GENERAL.—The Secretary shall convey to  
20               the State of South Carolina, by quitclaim deed, at  
21               fair market value, all right, title, and interest of the  
22               United States in and to the real property described  
23               in paragraph (2) that is managed, as of the date of  
24               enactment of this Act, by the South Carolina depart-  
25               ment of commerce for public recreation purposes for

1       *the Richard B. Russell Dam and Lake, South Caro-*  
2       *lina, project authorized by section 203 of the Flood*  
3       *Control Act of 1966 (80 Stat. 1420).*

4               (2) *LAND DESCRIPTION.*—Subject to paragraph  
5       (3), the real property referred to in paragraph (1) is  
6       the parcel contained in the portion of real property  
7       described in Army Lease Number DACW21-1-92-  
8       0500.

9               (3) *RESERVATION OF INTERESTS.*—The United  
10       States shall reserve—

11               (A) *ownership of all real property included*  
12       *in the lease referred to in paragraph (2) that*  
13       *would have been acquired for operational pur-*  
14       *poses in accordance with the 1971 implementa-*  
15       *tion of the 1962 Army/Interior Joint Acquisition*  
16       *Policy; and*

17               (B) *such other rights and interests in and*  
18       *to the real property to be conveyed as the Sec-*  
19       *retary considers necessary for authorized project*  
20       *purposes, including easement rights-of-way to re-*  
21       *maining Federal land.*

22               (4) *NO EFFECT ON SHORE MANAGEMENT POL-*  
23       *ICY.*—The Shoreline Management Policy (ER-1130-  
24       2-406) of the Corps of Engineers shall not be changed

1       or altered for any proposed development of land con-  
2       veyed under this subsection.

3               (5) *COST SHARING.*—*In carrying out the convey-*  
4       *ance under this subsection, the Secretary and the*  
5       *State shall comply with all obligations of any cost-*  
6       *sharing agreement between the Secretary and the*  
7       *State with respect to the real property described in*  
8       *paragraph (2) in effect as of the date of the convey-*  
9       *ance.*

10              (6) *LAND NOT CONVEYED.*—*The State shall con-*  
11       *tinue to manage the real property described in para-*  
12       *graph (3) not conveyed under this subsection in ac-*  
13       *cordance with the terms and conditions of Army*  
14       *Lease Number DACW21–1–92–0500.*

15       (h) *DENISON, TEXAS.*—

16              (1) *IN GENERAL.*—*The Secretary shall offer to*  
17       *convey at fair market value to the city of Denison,*  
18       *Texas, all right, title, and interest of the United*  
19       *States in and to the approximately 900 acres of land*  
20       *located in Grayson County, Texas, which is currently*  
21       *subject to an application for lease for public park and*  
22       *recreational purposes made by the city of Denison,*  
23       *dated August 17, 2005.*

24              (2) *SURVEY TO OBTAIN LEGAL DESCRIPTION.*—  
25       *The exact acreage and description of the real property*



1       referred to in paragraph (1) shall be determined by  
2       a survey paid for by the city of Denison, Texas, that  
3       is satisfactory to the Secretary.

4               (3) CONVEYANCE.—On acceptance by the city of  
5       Denison, Texas, of an offer under paragraph (1), the  
6       Secretary may immediately convey the land surveyed  
7       under paragraph (2) by quitclaim deed to the city of  
8       Denison, Texas.

9       (i) GENERALLY APPLICABLE PROVISIONS.—

10              (1) SURVEY TO OBTAIN LEGAL DESCRIPTION.—  
11       The exact acreage and the legal description of any  
12       real property to be conveyed under this section shall  
13       be determined by a survey that is satisfactory to the  
14       Secretary.

15              (2) APPLICABILITY OF PROPERTY SCREENING  
16       PROVISIONS.—Section 2696 of title 10, United States  
17       Code, shall not apply to any conveyance under this  
18       section.

19              (3) ADDITIONAL TERMS AND CONDITIONS.—The  
20       Secretary may require that any conveyance under  
21       this section be subject to such additional terms and  
22       conditions as the Secretary considers appropriate and  
23       necessary to protect the interests of the United States.

24              (4) COSTS OF CONVEYANCE.—An entity to which  
25       a conveyance is made under this section shall be re-

1        *sponsible for all reasonable and necessary costs, in-*  
 2        *cluding real estate transaction and environmental*  
 3        *documentation costs, associated with the conveyance.*

4            (5) *LIABILITY.*—*An entity to which a conveyance*  
 5        *is made under this section shall hold the United*  
 6        *States harmless from any liability with respect to ac-*  
 7        *tivities carried out, on or after the date of the convey-*  
 8        *ance, on the real property conveyed. The United*  
 9        *States shall remain responsible for any liability with*  
 10       *respect to activities carried out, before such date, on*  
 11       *the real property conveyed.*

12    **SEC. 3123. EXTINGUISHMENT OF REVERSIONARY INTER-**  
 13            **ESTS AND USE RESTRICTIONS.**

14        (a) *IDAHO.*—

15            (1) *IN GENERAL.*—*With respect to the property*  
 16        *covered by each deed in paragraph (2)—*

17            (A) *the reversionary interests and use re-*  
 18        *strictions relating to port and industrial use*  
 19        *purposes are extinguished;*

20            (B) *the restriction that no activity shall be*  
 21        *permitted that will compete with services and fa-*  
 22        *cilities offered by public marinas is extinguished;*  
 23        *and*

24            (C) *the human habitation or other building*  
 25        *structure use restriction is extinguished if the*

1           *elevation of the property is above the standard*  
 2           *project flood elevation.*

3           (2) *AFFECTED DEEDS.*—*The deeds with the fol-*  
 4           *lowing county auditor's file numbers are referred to*  
 5           *in paragraph (1):*

6                     (A) *Auditor's Instrument No. 399218 of Nez*  
 7                     *Perce County, Idaho—2.07 acres.*

8                     (B) *Auditor's Instrument No. 487437 of Nez*  
 9                     *Perce County, Idaho—7.32 acres.*

10          (b) *OLD HICKORY LOCK AND DAM, CUMBERLAND*  
 11          *RIVER, TENNESSEE.*—

12                     (1) *RELEASE OF RETAINED RIGHTS, INTERESTS,*  
 13                     *RESERVATIONS.*—*With respect to land conveyed by*  
 14                     *the Secretary to the Tennessee Society of Crippled*  
 15                     *Children and Adults, Incorporated (commonly known*  
 16                     *as "Easter Seals Tennessee") at Old Hickory Lock*  
 17                     *and Dam, Cumberland River, Tennessee, under sec-*  
 18                     *tion 211 of the Flood Control Act of 1965 (79 Stat.*  
 19                     *1087), the reversionary interests and the use restric-*  
 20                     *tions relating to recreation and camping purposes are*  
 21                     *extinguished.*

22                     (2) *INSTRUMENT OF RELEASE.*—*As soon as prac-*  
 23                     *ticable after the date of enactment of this Act, the Sec-*  
 24                     *retary shall execute and file in the appropriate office*  
 25                     *a deed of release, amended deed, or other appropriate*

1 *instrument effectuating the release of interests re-*  
2 *quired by paragraph (1).*

3 *(c) PORT OF PASCO, WASHINGTON.—*

4 *(1) EXTINGUISHMENT OF USE RESTRICTIONS*  
5 *AND FLOWAGE EASEMENT.—With respect to the prop-*  
6 *erty covered by the deed in paragraph (3)(A)—*

7 *(A) the flowage easement and human habi-*  
8 *tation or other building structure use restriction*  
9 *is extinguished if the elevation of the property is*  
10 *above the standard project flood elevation; and*

11 *(B) the use of fill material to raise areas of*  
12 *the property above the standard project flood ele-*  
13 *vation is authorized, except in any area for*  
14 *which a permit under section 404 of the Federal*  
15 *Water Pollution Control Act (33 U.S.C. 1344) is*  
16 *required.*

17 *(2) EXTINGUISHMENT OF FLOWAGE EASE-*  
18 *MENT.—With respect to the property covered by each*  
19 *deed in paragraph (3)(B), the flowage easement is ex-*  
20 *tinguished if the elevation of the property is above the*  
21 *standard project flood elevation.*

22 *(3) AFFECTED DEEDS.—The deeds referred to in*  
23 *paragraphs (1) and (2) are as follows:*

24 *(A) Auditor's File Number 262980 of*  
25 *Franklin County, Washington.*

1                   (B) Auditor's File Numbers 263334 and  
2                   404398 of Franklin County, Washington.

3           (d) NO EFFECT ON OTHER RIGHTS.—Nothing in this  
4 section affects the remaining rights and interests of the  
5 Corps of Engineers for authorized project purposes.

## 6                   **TITLE IV—STUDIES**

### 7   **SEC. 4001. JOHN GLENN GREAT LAKES BASIN PROGRAM.**

8           Section 455 of the Water Resources Development Act  
9 of 1999 (42 U.S.C. 1962d–21) is amended by adding at the  
10 end the following:

11           “(g) IN-KIND CONTRIBUTIONS FOR STUDY.—The non-  
12 Federal interest may provide up to 100 percent of the non-  
13 Federal share required under subsection (f) in the form of  
14 in-kind services and materials.”.

### 15   **SEC. 4002. LAKE ERIE DREDGED MATERIAL DISPOSAL** 16                   **SITES.**

17           The Secretary shall conduct a study to determine the  
18 nature and frequency of avian botulism problems in the vi-  
19 cinity of Lake Erie associated with dredged material dis-  
20 posal sites and shall make recommendations to eliminate  
21 the conditions that result in such problems.

### 22   **SEC. 4003. SOUTHWESTERN UNITED STATES DROUGHT** 23                   **STUDY.**

24           (a) IN GENERAL.—The Secretary, in coordination  
25 with the Secretary of the Interior, the Secretary of Agri-

1 *culture, the Secretary of Commerce, and other appropriate*  
2 *agencies, shall conduct, at Federal expense, a comprehensive*  
3 *study of drought conditions in the southwestern United*  
4 *States, with particular emphasis on the Colorado River*  
5 *basin, the Rio Grande River basin, and the Great Basin.*

6 (b) *INVENTORY OF ACTIONS.—In conducting the study,*  
7 *the Secretary shall assemble an inventory of actions taken*  
8 *or planned to be taken to address drought-related situations*  
9 *in the southwestern United States.*

10 (c) *PURPOSE.—The purpose of the study shall be to*  
11 *develop recommendations to more effectively address current*  
12 *and future drought conditions in the southwestern United*  
13 *States.*

14 (d) *AUTHORIZATION OF APPROPRIATIONS.—There are*  
15 *authorized to be appropriated to the Secretary to carry out*  
16 *this section \$7,000,000. Such funds shall remain available*  
17 *until expended.*

18 **SEC. 4004. DELAWARE RIVER.**

19 *The Secretary shall review, in consultation with the*  
20 *Delaware River Basin Commission and the States of Dela-*  
21 *ware, Pennsylvania, New Jersey, and New York, the report*  
22 *of the Chief of Engineers on the Delaware River, published*  
23 *as House Document Numbered 522, 87th Congress, Second*  
24 *Session, as it relates to the Mid-Delaware River Basin from*  
25 *Wilmington to Port Jervis, and any other pertinent reports*

1 *(including the strategy for resolution of interstate flow*  
2 *management issues in the Delaware River Basin dated Au-*  
3 *gust 2004 and the National Park Service Lower Delaware*  
4 *River Management Plan (1997–1999)), with a view to de-*  
5 *termining whether any modifications of recommendations*  
6 *contained in the first report referred to are advisable at*  
7 *the present time, in the interest of flood damage reduction,*  
8 *ecosystem restoration, and other related problems.*

9 **SEC. 4005. KNIK ARM, COOK INLET, ALASKA.**

10 *The Secretary shall conduct, at Federal expense, a*  
11 *study to determine the potential impacts on navigation of*  
12 *construction of a bridge across Knik Arm, Cook Inlet, Alas-*  
13 *ka.*

14 **SEC. 4006. KUSKOKWIM RIVER, ALASKA.**

15 *The Secretary shall conduct a study to determine the*  
16 *feasibility of carrying out a project for navigation,*  
17 *Kuskokwim River, Alaska, in the vicinity of the village of*  
18 *Crooked Creek.*

19 **SEC. 4007. ST. GEORGE HARBOR, ALASKA.**

20 *The Secretary shall conduct, at Federal expense, a*  
21 *study to determine the feasibility of providing navigation*  
22 *improvements at St. George Harbor, Alaska.*

1 **SEC. 4008. SUSITNA RIVER, ALASKA.**

2       *The Secretary shall conduct a study to determine the*  
3 *feasibility of carrying out a project for hydropower, recre-*  
4 *ation, and related purposes on the Susitna River, Alaska.*

5 **SEC. 4009. GILA BEND, MARICOPA, ARIZONA.**

6       *(a) IN GENERAL.—The Secretary shall conduct a*  
7 *study to determine the feasibility of carrying out a project*  
8 *for flood damage reduction, Gila Bend, Maricopa, Arizona.*

9       *(b) REVIEW OF PLANS.—In conducting the study, the*  
10 *Secretary shall review plans and designs developed by non-*  
11 *Federal interests and shall incorporate such plans and de-*  
12 *signs into the Federal study if the Secretary determines that*  
13 *such plans and designs are consistent with Federal stand-*  
14 *ards.*

15 **SEC. 4010. SEARCY COUNTY, ARKANSAS.**

16       *The Secretary shall conduct a study to determine the*  
17 *feasibility of using Greers Ferry Lake as a water supply*  
18 *source for Searcy County, Arkansas.*

19 **SEC. 4011. ELKHORN SLOUGH ESTUARY, CALIFORNIA.**

20       *The Secretary shall conduct a study of the Elkhorn*  
21 *Slough estuary, California, to determine the feasibility of*  
22 *conserving, enhancing, and restoring estuarine habitats by*  
23 *developing strategies to address hydrological management*  
24 *issues.*



1 **SEC. 4012. FRESNO, KINGS, AND KERN COUNTIES, CALI-**  
 2 **FORNIA.**

3 *The Secretary shall conduct a study to determine the*  
 4 *feasibility of carrying out a project for water supply for*  
 5 *Fresno, Kings, and Kern Counties, California.*

6 **SEC. 4013. LOS ANGELES RIVER REVITALIZATION STUDY,**  
 7 **CALIFORNIA.**

8 *(a) IN GENERAL.—The Secretary, in coordination*  
 9 *with the city of Los Angeles, shall—*

10 *(1) prepare a feasibility study for environmental*  
 11 *restoration, flood control, recreation, and other as-*  
 12 *pects of Los Angeles River revitalization that is con-*  
 13 *sistent with the goals of the Los Angeles River Revi-*  
 14 *talization Master Plan published by the city of Los*  
 15 *Angeles; and*

16 *(2) consider any locally-preferred project alter-*  
 17 *natives developed through a full and open evaluation*  
 18 *process for inclusion in the study.*

19 *(b) USE OF EXISTING INFORMATION AND MEAS-*  
 20 *URES.—In preparing the study under subsection (a), the*  
 21 *Secretary shall use, to the maximum extent practicable—*

22 *(1) information obtained from the Los Angeles*  
 23 *River Revitalization Master Plan; and*

24 *(2) the development process of that plan.*

25 *(c) DEMONSTRATION PROJECTS.—*

1           (1) *IN GENERAL.*—*The Secretary is authorized to*  
 2           *construct demonstration projects in order to provide*  
 3           *information to develop the study under subsection*  
 4           *(a)(1).*

5           (2) *FEDERAL SHARE.*—*The Federal share of the*  
 6           *cost of any project under this subsection shall be not*  
 7           *more than 65 percent.*

8           (3) *AUTHORIZATION OF APPROPRIATIONS.*—  
 9           *There is authorized to be appropriated to carry out*  
 10          *this subsection \$20,000,000.*

11 **SEC. 4014. LYTLE CREEK, RIALTO, CALIFORNIA.**

12          *The Secretary shall conduct a study to determine the*  
 13          *feasibility of carrying out a project for flood damage reduc-*  
 14          *tion and groundwater recharge, Lytle Creek, Rialto, Cali-*  
 15          *fornia.*

16 **SEC. 4015. MOKELUMNE RIVER, SAN JOAQUIN COUNTY,**  
 17                                   **CALIFORNIA.**

18          (a) *IN GENERAL.*—*The Secretary shall conduct a*  
 19          *study to determine the feasibility of carrying out a project*  
 20          *for water supply along the Mokelumne River, San Joaquin*  
 21          *County, California.*

22          (b) *LIMITATION ON STATUTORY CONSTRUCTION.*—  
 23          *Nothing in this section shall be construed to invalidate, pre-*  
 24          *empt, or create any exception to State water law, State*

1 *water rights, or Federal or State permitted activities or*  
2 *agreements.*

3 **SEC. 4016. NAPA RIVER, ST. HELENA, CALIFORNIA.**

4       (a) *IN GENERAL.*—*The Secretary shall conduct a com-*  
5 *prehensive study of the Napa River in the vicinity of St.*  
6 *Helena, California, for the purposes of improving flood*  
7 *management through reconnecting the river to its flood-*  
8 *plain; restoring habitat, including riparian and aquatic*  
9 *habitat; improving fish passage and water quality; and re-*  
10 *storing native plant communities.*

11       (b) *PLANS AND DESIGNS.*—*In conducting the study,*  
12 *the Secretary shall review plans and designs developed by*  
13 *non-Federal interests and shall incorporate such plans and*  
14 *designs into the Federal study if the Secretary determines*  
15 *that such plans and designs are consistent with Federal*  
16 *standards.*

17 **SEC. 4017. ORICK, CALIFORNIA.**

18       (a) *IN GENERAL.*—*The Secretary shall conduct a*  
19 *study to determine the feasibility of carrying out a project*  
20 *for flood damage reduction and ecosystem restoration,*  
21 *Orick, California.*

22       (b) *FEASIBILITY OF RESTORING OR REHABILITATING*  
23 *REDWOCK CREEK LEVEES.*—*In conducting the study, the*  
24 *Secretary shall determine the feasibility of restoring or re-*

1 *habilitating the Redwood Creek Levees, Humboldt County,*  
 2 *California.*

3 **SEC. 4018. RIALTO, FONTANA, AND COLTON, CALIFORNIA.**

4 *The Secretary shall conduct a study to determine the*  
 5 *feasibility of carrying out a project for water supply for*  
 6 *Rialto, Fontana, and Colton, California.*

7 **SEC. 4019. SACRAMENTO RIVER, CALIFORNIA.**

8 *The Secretary shall conduct a comprehensive study to*  
 9 *determine the feasibility of, and alternatives for, measures*  
 10 *to protect water diversion facilities and fish protective*  
 11 *screen facilities in the vicinity of river mile 178 on the Sac-*  
 12 *ramento River, California.*

13 **SEC. 4020. SAN DIEGO COUNTY, CALIFORNIA.**

14 *The Secretary shall conduct a study to determine the*  
 15 *feasibility of carrying out a project for water supply, San*  
 16 *Diego County, California, including a review of the feasi-*  
 17 *bility of connecting 4 existing reservoirs to increase usable*  
 18 *storage capacity.*

19 **SEC. 4021. SAN FRANCISCO BAY, SACRAMENTO-SAN JOA-**  
 20 **QUIN DELTA, CALIFORNIA.**

21 *(a) IN GENERAL.—The Secretary shall conduct a*  
 22 *study to determine the feasibility of the beneficial use of*  
 23 *dredged material from the San Francisco Bay in the Sac-*  
 24 *ramento-San Joaquin Delta, California, including the bene-*  
 25 *fits and impacts of salinity in the Delta and the benefits*

1 *to navigation, flood damage reduction, ecosystem restora-*  
2 *tion, water quality, salinity control, water supply reli-*  
3 *ability, and recreation.*

4       **(b) COOPERATION.**—*In conducting the study, the Sec-*  
5 *retary shall cooperate with the California Department of*  
6 *Water Resources and appropriate Federal and State enti-*  
7 *ties in developing options for the beneficial use of dredged*  
8 *material from San Francisco Bay for the Sacramento-San*  
9 *Joaquin Delta area.*

10       **(c) REVIEW.**—*The study shall include a review of the*  
11 *feasibility of using Sherman Island as a rehandling site*  
12 *for levee maintenance material, as well as for ecosystem res-*  
13 *toration. The review may include monitoring a pilot project*  
14 *using up to 150,000 cubic yards of dredged material and*  
15 *being carried out at the Sherman Island site, examining*  
16 *larger scale use of dredged materials from the San Fran-*  
17 *cisco Bay and Suisun Bay Channel, and analyzing the fea-*  
18 *sibility of the potential use of saline materials from the San*  
19 *Francisco Bay for both rehandling and ecosystem restora-*  
20 *tion purposes.*

21 **SEC. 4022. SOUTH SAN FRANCISCO BAY SHORELINE STUDY,**  
22 **CALIFORNIA.**

23       **(a) IN GENERAL.**—*In conducting the South San Fran-*  
24 *cisco Bay shoreline study, the Secretary shall—*

1           (1) *review the planning, design, and land acqui-*  
2           *sition documents prepared by the California State*  
3           *Coastal Conservancy, the Santa Clara Valley Water*  
4           *District, and other local interests in developing rec-*  
5           *ommendations for measures to provide flood protec-*  
6           *tion of the South San Francisco Bay shoreline, res-*  
7           *toration of the South San Francisco Bay salt ponds*  
8           *(including lands owned by the Department of the In-*  
9           *terior), and other related purposes; and*

10          (2) *incorporate such planning, design, and land*  
11          *acquisition documents into the Federal study if the*  
12          *Secretary determines that such documents are con-*  
13          *sistent with Federal standards.*

14          (b) *REPORT.*—*Not later than December 31, 2008, the*  
15          *Secretary shall transmit a feasibility report for the South*  
16          *San Francisco Bay shoreline study to the Committee on*  
17          *Transportation and Infrastructure of the House of Rep-*  
18          *resentatives and the Committee on Environment and Public*  
19          *Works of the Senate.*

20          (c) *CREDIT.*—

21               (1) *IN GENERAL.*—*The Secretary shall credit to-*  
22               *ward the non-Federal share of the cost of any project*  
23               *authorized by law as a result of the South San Fran-*  
24               *cisco Bay shoreline study the cost of work carried out*  
25               *by the non-Federal interest before the date of the part-*

1        *nership agreement for the project if the Secretary de-*  
 2        *termines that the work is integral to the project.*

3            (2) *LIMITATION.*—*In no case may work that was*  
 4        *carried out more than 5 years before the date of en-*  
 5        *actment of this Act be eligible for credit under this*  
 6        *subsection.*

7    **SEC. 4023. TWENTYNINE PALMS, CALIFORNIA.**

8        *The Secretary shall conduct a study to determine the*  
 9        *feasibility of carrying out a project for flood damage reduc-*  
 10       *tion, Pinto Cove Wash, in the vicinity of Twentynine*  
 11       *Palms, California.*

12   **SEC. 4024. YUCCA VALLEY, CALIFORNIA.**

13       *The Secretary shall conduct a study to determine the*  
 14       *feasibility of carrying out a project for flood damage reduc-*  
 15       *tion, West Burnt Mountain basin, in the vicinity of Yucca*  
 16       *Valley, California.*

17   **SEC. 4025. ROARING FORK RIVER, BASALT, COLORADO.**

18       *The Secretary shall conduct a study to determine the*  
 19       *feasibility of carrying out a project for flood damage reduc-*  
 20       *tion and other purposes for the Roaring Fork River, Basalt,*  
 21       *Colorado.*

22   **SEC. 4026. DELAWARE AND CHRISTINA RIVERS AND**  
 23       **SHELLPOT CREEK, WILMINGTON, DELAWARE.**

24       *The Secretary shall conduct a study to determine the*  
 25       *feasibility of carrying out a project for flood damage reduc-*

1 *tion and related purposes along the Delaware and Christina*  
2 *Rivers and Shellpot Creek, Wilmington, Delaware.*

3 **SEC. 4027. COLLIER COUNTY BEACHES, FLORIDA.**

4 *The Secretary shall conduct a study to determine the*  
5 *feasibility of carrying out a project for hurricane and storm*  
6 *damage reduction and flood damage reduction in the vicin-*  
7 *ity of Vanderbilt, Park Shore, and Naples beaches, Collier*  
8 *County, Florida.*

9 **SEC. 4028. LOWER ST. JOHNS RIVER, FLORIDA.**

10 *The Secretary shall conduct a study to determine the*  
11 *feasibility of carrying out a project for environmental pro-*  
12 *tection and restoration, including improved water quality,*  
13 *and related purposes, Lower St. Johns River, Florida.*

14 **SEC. 4029. VANDERBILT BEACH LAGOON, FLORIDA.**

15 *The Secretary shall conduct a study to determine the*  
16 *feasibility of carrying out a project for environmental res-*  
17 *toration, water supply, and improvement of water quality*  
18 *at Vanderbilt Beach Lagoon, Florida.*

19 **SEC. 4030. MERIWETHER COUNTY, GEORGIA.**

20 *The Secretary shall conduct a study to determine the*  
21 *feasibility of carrying out a project for water supply,*  
22 *Meriwether County, Georgia.*

23 **SEC. 4031. TYBEE ISLAND, GEORGIA.**

24 *The Secretary shall conduct a study to determine the*  
25 *feasibility of including the northern end of Tybee Island*



1 *extending from the north terminal groin to the mouth of*  
 2 *Lazaretto Creek as a part of the project for beach erosion*  
 3 *control, Tybee Island, Georgia, carried out under section*  
 4 *201 of the Flood Control Act of 1965 (42 U.S.C. 1962d–*  
 5 *5).*

6 **SEC. 4032. BOISE RIVER, IDAHO.**

7 *The study for flood control, Boise River, Idaho, author-*  
 8 *ized by section 414 of the Water Resources Development Act*  
 9 *of 1999 (113 Stat. 324), is modified—*

10 *(1) to add ecosystem restoration and water sup-*  
 11 *ply as project purposes to be studied; and*

12 *(2) to require the Secretary to credit toward the*  
 13 *non-Federal share of the cost of the study the cost, not*  
 14 *to exceed \$500,000, of work carried out by the non-*  
 15 *Federal interest before the date of the partnership*  
 16 *agreement for the project if the Secretary determines*  
 17 *that the work is integral to the project.*

18 **SEC. 4033. BALLARD'S ISLAND SIDE CHANNEL, ILLINOIS.**

19 *The Secretary shall conduct a study to determine the*  
 20 *feasibility of carrying out a project for ecosystem restora-*  
 21 *tion, Ballard's Island, Illinois.*

22 **SEC. 4034. SALEM, INDIANA.**

23 *The Secretary shall conduct a study to determine the*  
 24 *feasibility of carrying out a project to provide an additional*  
 25 *water supply source for Salem, Indiana.*

1 **SEC. 4035. BUCKHORN LAKE, KENTUCKY.**

2       (a) *IN GENERAL.*—The Secretary shall conduct a  
3 study to determine the feasibility of modifying the project  
4 for flood damage reduction, Buckhorn Lake, Kentucky, au-  
5 thorized by section 2 of the Flood Control Act of June 28,  
6 1938 (52 Stat. 1217), to add ecosystem restoration, recre-  
7 ation, and improved access as project purposes, including  
8 permanently raising the winter pool elevation of the project.

9       (b) *IN-KIND CONTRIBUTIONS.*—The non-Federal inter-  
10 est may provide the non-Federal share of the cost of the  
11 study in the form of in-kind services and materials.

12 **SEC. 4036. DEWEY LAKE, KENTUCKY.**

13       The Secretary shall conduct a study to determine the  
14 feasibility of modifying the project for Dewey Lake, Ken-  
15 tucky, to add water supply as a project purpose.

16 **SEC. 4037. LOUISVILLE, KENTUCKY.**

17       The Secretary shall conduct a study of the project for  
18 flood control, Louisville, Kentucky, authorized by section 4  
19 of the Flood Control Act of June 28, 1938 (52 Stat. 1217),  
20 to investigate measures to address the rehabilitation of the  
21 project.

22 **SEC. 4038. FALL RIVER HARBOR, MASSACHUSETTS AND**  
23 **RHODE ISLAND.**

24       The Secretary shall conduct a study to determine the  
25 feasibility of deepening that portion of the navigation chan-  
26 nel of the navigation project for Fall River Harbor, Massa-

1 *chusetts and Rhode Island, authorized by section 101 of the*  
 2 *River and Harbor Act of 1968 (82 Stat. 731), seaward of*  
 3 *the Charles M. Braga, Jr. Memorial Bridge, Fall River and*  
 4 *Somerset, Massachusetts.*

5 **SEC. 4039. CLINTON RIVER, MICHIGAN.**

6 *The Secretary shall conduct a study to determine the*  
 7 *feasibility of carrying out a project for environmental res-*  
 8 *toration, Clinton River, Michigan.*

9 **SEC. 4040. HAMBURG AND GREEN OAK TOWNSHIPS, MICH-**  
 10 **IGAN.**

11 *The Secretary shall conduct a study to determine the*  
 12 *feasibility of carrying out a project for flood damage reduc-*  
 13 *tion on Ore Lake and the Huron River for Hamburg and*  
 14 *Green Oak Townships, Michigan.*

15 **SEC. 4041. DULUTH-SUPERIOR HARBOR, MINNESOTA AND**  
 16 **WISCONSIN.**

17 *(a) IN GENERAL.—The Secretary shall conduct a*  
 18 *study and prepare a report to evaluate the integrity of the*  
 19 *bulkhead system located on and in the vicinity of Duluth-*  
 20 *Superior Harbor, Duluth, Minnesota, and Superior, Wis-*  
 21 *consin.*

22 *(b) CONTENTS.—The report shall include—*

23 *(1) a determination of causes of corrosion of the*  
 24 *bulkhead system;*

1           (2) *recommendations to reduce corrosion of the*  
2       *bulkhead system;*

3           (3) *a description of the necessary repairs to the*  
4       *bulkhead system; and*

5           (4) *an estimate of the cost of addressing the*  
6       *causes of the corrosion and carrying out necessary re-*  
7       *pairs.*

8   **SEC. 4042. NORTHEAST MISSISSIPPI.**

9       *The Secretary shall conduct a study to determine the*  
10   *feasibility of modifying the project for navigation, Ten-*  
11   *nessee-Tombigbee Waterway, Alabama and Mississippi, to*  
12   *provide water supply for northeast Mississippi.*

13   **SEC. 4043. ST. LOUIS, MISSOURI.**

14       *The Secretary shall conduct a study to determine the*  
15   *feasibility of carrying out a project for flood damage reduc-*  
16   *tion, St. Louis, Missouri, to restore or rehabilitate the levee*  
17   *system feature of the project for flood protection, St. Louis,*  
18   *Missouri, authorized by the first section of the Act entitled*  
19   *“An Act authorizing construction of certain public works*  
20   *on the Mississippi River for the protection of Saint Louis,*  
21   *Missouri”, approved August 9, 1955 (69 Stat. 540).*

22   **SEC. 4044. DREDGED MATERIAL DISPOSAL, NEW JERSEY.**

23       *The Secretary shall conduct a study to determine the*  
24   *feasibility of carrying out a project in the vicinity of the*  
25   *Atlantic Intracoastal Waterway, New Jersey, for the con-*

1 *struction of a dredged material disposal transfer facility to*  
2 *make dredged material available for beneficial reuse.*

3 **SEC. 4045. BAYONNE, NEW JERSEY.**

4 *The Secretary shall conduct a study to determine the*  
5 *feasibility of carrying out a project for environmental res-*  
6 *toration, including improved water quality, enhanced pub-*  
7 *lic access, and recreation, on the Kill Van Kull, Bayonne,*  
8 *New Jersey.*

9 **SEC. 4046. CARTERET, NEW JERSEY.**

10 *The Secretary shall conduct a study to determine the*  
11 *feasibility of carrying out a project for environmental res-*  
12 *toration, including improved water quality, enhanced pub-*  
13 *lic access, and recreation, on the Raritan River, Carteret,*  
14 *New Jersey.*

15 **SEC. 4047. GLOUCESTER COUNTY, NEW JERSEY.**

16 *The Secretary shall conduct a study to determine the*  
17 *feasibility of carrying out a project for flood damage reduc-*  
18 *tion, Gloucester County, New Jersey, including the feasi-*  
19 *bility of restoring the flood protection dikes in Gibbstown,*  
20 *New Jersey, and the associated tidegates in Gloucester*  
21 *County, New Jersey.*

22 **SEC. 4048. PERTH AMBOY, NEW JERSEY.**

23 *The Secretary shall conduct a study to determine the*  
24 *feasibility of carrying out a project for riverfront develop-*  
25 *ment, including enhanced public access, recreation, and en-*

1 *vironmental restoration, on the Arthur Kill, Perth Amboy,*  
 2 *New Jersey.*

3 **SEC. 4049. BATAVIA, NEW YORK.**

4 *The Secretary shall conduct a study to determine the*  
 5 *feasibility of carrying out a project for hydropower and re-*  
 6 *lated purposes in the vicinity of Batavia, New York.*

7 **SEC. 4050. BIG SISTER CREEK, EVANS, NEW YORK.**

8 *(a) IN GENERAL.—The Secretary shall conduct a*  
 9 *study to determine the feasibility of carrying out a project*  
 10 *for flood damage reduction, Big Sister Creek, Evans, New*  
 11 *York.*

12 *(b) EVALUATION OF POTENTIAL SOLUTIONS.—In con-*  
 13 *ducting the study, the Secretary shall evaluate potential so-*  
 14 *lutions to flooding from all sources, including flooding that*  
 15 *results from ice jams.*

16 **SEC. 4051. FINGER LAKES, NEW YORK.**

17 *The Secretary shall conduct a study to determine the*  
 18 *feasibility of carrying out a project for aquatic ecosystem*  
 19 *restoration and protection, Finger Lakes, New York, to ad-*  
 20 *dress water quality and aquatic nuisance species.*

21 **SEC. 4052. LAKE ERIE SHORELINE, BUFFALO, NEW YORK.**

22 *The Secretary shall conduct a study to determine the*  
 23 *feasibility of carrying out a project for storm damage reduc-*  
 24 *tion and shoreline protection in the vicinity of Gallagher*  
 25 *Beach, Lake Erie Shoreline, Buffalo, New York.*

1 **SEC. 4053. NEWTOWN CREEK, NEW YORK.**

2 *The Secretary shall conduct a study to determine the*  
3 *feasibility of carrying out ecosystem restoration improve-*  
4 *ments on Newtown Creek, Brooklyn and Queens, New York.*

5 **SEC. 4054. NIAGARA RIVER, NEW YORK.**

6 *The Secretary shall conduct a study to determine the*  
7 *feasibility of carrying out a project for a low-head hydro-*  
8 *electric generating facility in the Niagara River, New York.*

9 **SEC. 4055. SHORE PARKWAY GREENWAY, BROOKLYN, NEW**  
10 **YORK.**

11 *The Secretary shall conduct a study of the feasibility*  
12 *of carrying out a project for shoreline protection in the vi-*  
13 *cinity of the confluence of the Narrows and Gravesend Bay,*  
14 *Upper New York Bay, Shore Parkway Greenway, Brooklyn,*  
15 *New York.*

16 **SEC. 4056. UPPER DELAWARE RIVER WATERSHED, NEW**  
17 **YORK.**

18 *Notwithstanding section 221 of the Flood Control Act*  
19 *of 1970 (42 U.S.C. 1962d–5b) and with the consent of the*  
20 *affected local government, a nonprofit organization may*  
21 *serve as the non-Federal interest for a study for the Upper*  
22 *Delaware River watershed, New York, being carried out*  
23 *under Committee Resolution 2495 of the Committee on*  
24 *Transportation and Infrastructure of the House of Rep-*  
25 *resentatives, adopted May 9, 1996.*

1 **SEC. 4057. LINCOLN COUNTY, NORTH CAROLINA.**

2       *The Secretary shall conduct a study of existing water*  
3 *and water quality-related infrastructure in Lincoln Coun-*  
4 *ty, North Carolina, to assist local interests in determining*  
5 *the most efficient and effective way to connect county infra-*  
6 *structure.*

7 **SEC. 4058. WILKES COUNTY, NORTH CAROLINA.**

8       *The Secretary shall conduct a study to determine the*  
9 *feasibility of carrying out a project for water supply, Wilkes*  
10 *County, North Carolina.*

11 **SEC. 4059. YADKINVILLE, NORTH CAROLINA.**

12       *The Secretary shall conduct a study to determine the*  
13 *feasibility of carrying out a project for water supply,*  
14 *Yadkinville, North Carolina.*

15 **SEC. 4060. LAKE ERIE, OHIO.**

16       *The Secretary shall conduct a study to determine the*  
17 *feasibility of carrying out projects for power generation at*  
18 *confined disposal facilities along Lake Erie, Ohio.*

19 **SEC. 4061. OHIO RIVER, OHIO.**

20       *The Secretary shall conduct a study to determine the*  
21 *feasibility of carrying out projects for flood damage reduc-*  
22 *tion on the Ohio River in Mahoning, Columbiana, Jeffer-*  
23 *son, Belmont, Noble, Monroe, Washington, Athens, Meigs,*  
24 *Gallia, Lawrence, and Scioto Counties, Ohio.*



1 **SEC. 4062. ECOSYSTEM RESTORATION AND FISH PASSAGE**  
2 **IMPROVEMENTS, OREGON.**

3 (a) *STUDY.*—*The Secretary shall conduct a study to*  
4 *determine the feasibility of undertaking ecosystem restora-*  
5 *tion and fish passage improvements on rivers throughout*  
6 *the State of Oregon.*

7 (b) *REQUIREMENTS.*—*In carrying out the study, the*  
8 *Secretary shall—*

9 (1) *work in coordination with the State of Or-*  
10 *egon, local governments, and other Federal agencies;*  
11 *and*

12 (2) *place emphasis on—*

13 (A) *fish passage and conservation and res-*  
14 *toration strategies to benefit species that are list-*  
15 *ed or proposed for listing as threatened or en-*  
16 *dangered species under the Endangered Species*  
17 *Act of 1973 (16 U.S.C. 1531 et seq.); and*

18 (B) *other watershed restoration objectives.*

19 (c) *PILOT PROGRAM.*—

20 (1) *IN GENERAL.*—*In conjunction with con-*  
21 *ducting the study under subsection (a), the Secretary*  
22 *may carry out pilot projects to demonstrate the effec-*  
23 *tiveness of ecosystem restoration and fish passages.*

24 (2) *AUTHORIZATION OF APPROPRIATIONS.*—  
25 *There is authorized to be appropriated \$5,000,000 to*  
26 *carry out this subsection.*

1 **SEC. 4063. WALLA WALLA RIVER BASIN, OREGON.**

2 *In conducting the study of determine the feasibility of*  
 3 *carrying out a project for ecosystem restoration, Walla*  
 4 *Walla River Basin, Oregon, the Secretary shall—*

5 *(1) credit toward the non-Federal share of the*  
 6 *cost of the study the cost of work carried out by the*  
 7 *non-Federal interest before the date of the partnership*  
 8 *agreement for the project if the Secretary determines*  
 9 *that the work is integral to the project; and*

10 *(2) allow the non-Federal interest to provide the*  
 11 *non-Federal share of the cost of the study in the form*  
 12 *of in-kind services and materials.*

13 **SEC. 4064. CHARTIERS CREEK WATERSHED, PENNSYLVANIA.**

14 *The Secretary shall conduct a study to determine the*  
 15 *feasibility of carrying out a project for flood damage reduc-*  
 16 *tion, Chartiers Creek watershed, Pennsylvania.*

17 **SEC. 4065. KINZUA DAM AND ALLEGHENY RESERVOIR,**  
 18 **PENNSYLVANIA.**

19 *The Secretary shall conduct a study of the project for*  
 20 *flood control, Kinzua Dam and Allegheny Reservoir, War-*  
 21 *ren, Pennsylvania, authorized by section 5 of the Flood*  
 22 *Control Act of June 22, 1936 (49 Stat. 1570), and modified*  
 23 *by section 2 of the Flood Control Act of June 28, 1938 (52*  
 24 *Stat. 1215), section 2 of the Flood Control Act of August*  
 25 *18, 1941 (55 Stat. 646), and section 4 of the Flood Control*  
 26 *Act of December 22, 1944 (58 Stat. 887), to review oper-*

1 *ations of and identify modifications to the project to expand*  
 2 *recreational opportunities.*

3 **SEC. 4066. WESTERN PENNSYLVANIA FLOOD DAMAGE RE-**  
 4 **DUCTION, PENNSYLVANIA.**

5 *(a) IN GENERAL.—The Secretary shall conduct a*  
 6 *study of structural and nonstructural flood damage reduc-*  
 7 *tion, stream bank protection, storm water management,*  
 8 *channel clearing and modification, and watershed coordi-*  
 9 *nation measures in the Mahoning River basin, Pennsyl-*  
 10 *vania, the Allegheny River basin, Pennsylvania, and the*  
 11 *Upper Ohio River basin, Pennsylvania, to provide a level*  
 12 *of flood protection sufficient to prevent future losses to com-*  
 13 *munities located in such basins from flooding such as oc-*  
 14 *curred in September 2004, but not less than a 100-year level*  
 15 *of flood protection.*

16 *(b) PRIORITY COMMUNITIES.—In carrying out this*  
 17 *section, the Secretary shall give priority to the following*  
 18 *Pennsylvania communities: Marshall Township, Ross*  
 19 *Township, Shaler Township, Jackson Township, Harmony,*  
 20 *Zelienople, Darlington Township, Houston Borough,*  
 21 *Chartiers Township, Washington, Canton Township,*  
 22 *Tarentum Borough, and East Deer Township.*

23 **SEC. 4067. WILLIAMSPORT, PENNSYLVANIA.**

24 *The Secretary shall conduct a study of the project for*  
 25 *flood control, Williamsport, Pennsylvania, authorized by*

1 *section 5 of the Flood Control Act of June 22, 1936 (49*  
2 *Stat. 1570), to investigate measures to rehabilitate the*  
3 *project.*

4 **SEC. 4068. YARDLEY BOROUGH, PENNSYLVANIA.**

5 *The Secretary shall conduct a study to determine the*  
6 *feasibility of carrying out a project for flood damage reduc-*  
7 *tion, at Yardley Borough, Pennsylvania, including the al-*  
8 *ternative of raising River Road.*

9 **SEC. 4069. RIO VALENCIANO, JUNCOS, PUERTO RICO.**

10 *(a) IN GENERAL.—The Secretary shall conduct a*  
11 *study to reevaluate the project for flood damage reduction*  
12 *and water supply, Rio Valenciano, Juncos, Puerto Rico,*  
13 *authorized by section 209 of the Flood Control Act of 1962*  
14 *(76 Stat. 1197) and section 204 of the Flood Control Act*  
15 *of 1970 (84 Stat. 1828), to determine the feasibility of car-*  
16 *rying out the project.*

17 *(b) CREDIT.—The Secretary shall credit toward the*  
18 *non-Federal share of the cost of the study the cost of work*  
19 *carried out by the non-Federal interest before the date of*  
20 *the partnership agreement for the project if the Secretary*  
21 *determines that the work is integral to the project.*

1 **SEC. 4070. CROOKED CREEK, BENNETTSVILLE, SOUTH**  
2 **CAROLINA.**

3 *The Secretary shall conduct a study to determine the*  
4 *feasibility of carrying out a project for water supply, Crook-*  
5 *ed Creek, Bennettsville, South Carolina.*

6 **SEC. 4071. BROAD RIVER, YORK COUNTY, SOUTH CAROLINA.**

7 *The Secretary shall conduct a study to determine the*  
8 *feasibility of carrying out a project for water supply, Broad*  
9 *River, York County, South Carolina.*

10 **SEC. 4072. CHATTANOOGA, TENNESSEE.**

11 *The Secretary shall conduct a study to determine the*  
12 *feasibility of carrying out a project for flood damage reduc-*  
13 *tion, Chattanooga Creek, Dobbs Branch, Chattanooga, Ten-*  
14 *nessee.*

15 **SEC. 4073. CLEVELAND, TENNESSEE.**

16 *The Secretary shall conduct a study to determine the*  
17 *feasibility of carrying out a project for flood damage reduc-*  
18 *tion, Cleveland, Tennessee.*

19 **SEC. 4074. CUMBERLAND RIVER, NASHVILLE, TENNESSEE.**

20 *The Secretary shall conduct a study to determine the*  
21 *feasibility of carrying out a project for recreation on, river-*  
22 *bank protection for, and environmental protection of, the*  
23 *Cumberland River and riparian habitats in the city of*  
24 *Nashville and Davidson County, Tennessee.*

1 **SEC. 4075. LEWIS, LAWRENCE, AND WAYNE COUNTIES, TEN-**  
2 **NESSEE.**

3 *The Secretary shall conduct a study to determine the*  
4 *feasibility of carrying out a project for water supply for*  
5 *Lewis, Lawrence, and Wayne Counties, Tennessee.*

6 **SEC. 4076. WOLF RIVER AND NONCONNAH CREEK, MEMPHIS**  
7 **TENNESSEE.**

8 *The Secretary shall conduct a study to determine the*  
9 *feasibility of carrying out a project for flood damage reduc-*  
10 *tion along Wolf River and Nonconnah Creek, in the vicinity*  
11 *of Memphis, Tennessee, to include the repair, replacement,*  
12 *rehabilitation, and restoration of the following pumping*  
13 *stations: Cypress Creek, Nonconnah Creek, Ensley, Marble*  
14 *Bayou, and Bayou Gayoso.*

15 **SEC. 4077. ABILENE, TEXAS.**

16 *The Secretary shall conduct a study to determine the*  
17 *feasibility of carrying out a project for water supply, Abi-*  
18 *lene, Texas.*

19 **SEC. 4078. COASTAL TEXAS ECOSYSTEM PROTECTION AND**  
20 **RESTORATION, TEXAS.**

21 *(a) IN GENERAL.—The Secretary shall develop a com-*  
22 *prehensive plan to determine the feasibility of carrying out*  
23 *projects for flood damage reduction, hurricane and storm*  
24 *damage reduction, and ecosystem restoration in the coastal*  
25 *areas of the State of Texas.*

1       (b) *SCOPE.*—The comprehensive plan shall provide for  
 2   the protection, conservation, and restoration of wetlands,  
 3   barrier islands, shorelines, and related lands and features  
 4   that protect critical resources, habitat, and infrastructure  
 5   from the impacts of coastal storms, hurricanes, erosion, and  
 6   subsidence.

7       (c) *DEFINITION.*—For purposes of this section, the  
 8   term “coastal areas in the State of Texas” means the coastal  
 9   areas of the State of Texas from the Sabine River on the  
 10   east to the Rio Grande River on the west and includes tidal  
 11   waters, barrier islands, marshes, coastal wetlands, rivers  
 12   and streams, and adjacent areas.

13   **SEC. 4079. JOHNSON CREEK, ARLINGTON, TEXAS.**

14       (a) *REEVALUATION OF ENVIRONMENTAL RESTORATION*  
 15   *FEATURES.*—The Secretary shall reevaluate the project for  
 16   flood damage reduction, environmental restoration, and  
 17   recreation, authorized by section 101(b)(14) of the Water  
 18   Resources Development Act of 1999 (113 Stat. 280), to de-  
 19   velop alternatives to the separable environmental restora-  
 20   tion element of the project.

21       (b) *STUDY OF ADDITIONAL FLOOD DAMAGE REDUC-*  
 22   *TION MEASURES.*—The Secretary shall conduct a study to  
 23   determine the feasibility of additional flood damage reduc-  
 24   tion measures and erosion control measures within the  
 25   boundaries of the project referred to in subsection (a).

1       (c) *PLANS AND DESIGNS.*—*In conducting the studies*  
 2 *referred to in subsections (a) and (b), the Secretary shall*  
 3 *review plans and designs developed by non-Federal interests*  
 4 *and shall use such plans and designs to the extent that the*  
 5 *Secretary determines that such plans and designs are con-*  
 6 *sistent with Federal standards.*

7       (d) *CREDIT TOWARD FEDERAL SHARE.*—*If an alter-*  
 8 *native environmental restoration element is authorized by*  
 9 *law, the Secretary shall credit toward the Federal share of*  
 10 *the cost of that project the costs incurred by the Secretary*  
 11 *to carry out the separable environmental restoration ele-*  
 12 *ment of the project referred to in subsection (a). The non-*  
 13 *Federal interest shall not be responsible for reimbursing the*  
 14 *Secretary for any amount credited under this subsection.*

15       (e) *CREDIT TOWARD THE NON-FEDERAL SHARE.*—  
 16 *The Secretary shall credit toward the non-Federal share of*  
 17 *the cost of the studies under subsections (a) and (b), and*  
 18 *the cost of any project carried out as a result of such studies*  
 19 *the cost of work carried out by the non-Federal interest.*

20       **SEC. 4080. PORT OF GALVESTON, TEXAS.**

21       *The Secretary shall conduct a study of the feasibility*  
 22 *of carrying out a project for dredged material disposal in*  
 23 *the vicinity of the project for navigation and environmental*  
 24 *restoration,   Houston-Galveston   Navigation   Channels,*



1 *Texas, authorized by section 101(a)(30) of the Water Re-*  
 2 *sources Development Act of 1996 (110 Stat. 3666).*

3 **SEC. 4081. GRAND COUNTY AND MOAB, UTAH.**

4 *The Secretary shall conduct a study to determine the*  
 5 *feasibility of carrying out a project for water supply for*  
 6 *Grand County and the city of Moab, Utah, including a re-*  
 7 *view of the impact of current and future demands on the*  
 8 *Spanish Valley Aquifer.*

9 **SEC. 4082. SOUTHWESTERN UTAH.**

10 *The Secretary shall conduct a study to determine the*  
 11 *feasibility of carrying out a project for flood damage reduc-*  
 12 *tion, Santa Clara River, Washington, Iron, and Kane*  
 13 *Counties, Utah.*

14 **SEC. 4083. CHOWAN RIVER BASIN, VIRGINIA AND NORTH**  
 15 **CAROLINA.**

16 *The Secretary shall conduct a study to determine the*  
 17 *feasibility of carrying out a project for flood damage reduc-*  
 18 *tion, environmental restoration, navigation, and erosion*  
 19 *control, Chowan River basin, Virginia and North Carolina.*

20 **SEC. 4084. ELLIOTT BAY SEAWALL, SEATTLE, WASHINGTON.**

21 *(a) IN GENERAL.—The study for rehabilitation of the*  
 22 *Elliott Bay Seawall, Seattle, Washington, being carried out*  
 23 *under Committee Resolution 2704 of the Committee on*  
 24 *Transportation and Infrastructure of the House of Rep-*  
 25 *resentatives adopted September 25, 2002, is modified to in-*

1 *clude a determination of the feasibility of reducing future*  
 2 *damage to the seawall from seismic activity.*

3       (b) *ACCEPTANCE OF CONTRIBUTIONS.*—*In carrying*  
 4 *out the study, the Secretary may accept contributions in*  
 5 *excess of the non-Federal share of the cost of the study from*  
 6 *the non-Federal interest to the extent that the Secretary de-*  
 7 *termines that the contributions will facilitate completion of*  
 8 *the study.*

9       (c) *CREDIT.*—*The Secretary shall credit toward the*  
 10 *non-Federal share of the cost of any project authorized by*  
 11 *law as a result of the study the value of contributions ac-*  
 12 *cepted by the Secretary under subsection (b).*

13 **SEC. 4085. MONONGAHELA RIVER BASIN, NORTHERN WEST**  
 14 **VIRGINIA.**

15       *The Secretary shall conduct a study to determine the*  
 16 *feasibility of carrying out aquatic ecosystem restoration*  
 17 *and protection projects in the watersheds of the*  
 18 *Monongahela River Basin lying within the counties of*  
 19 *Hancock, Ohio, Marshall, Wetzel, Tyler, Pleasants, Wood,*  
 20 *Doddridge, Monongalia, Marion, Harrison, Taylor,*  
 21 *Barbour, Preston, Tucker, Mineral, Grant, Gilmer, Brooke,*  
 22 *and Rithchie, West Virginia, particularly as related to*  
 23 *abandoned mine drainage abatement.*

1 **SEC. 4086. KENOSHA HARBOR, WISCONSIN.**

2       *The Secretary shall conduct a study to determine the*  
 3 *feasibility of carrying out a project for navigation, Kenosha*  
 4 *Harbor, Wisconsin, including the extension of existing*  
 5 *piers.*

6 **SEC. 4087. WAUWATOSA, WISCONSIN.**

7       *The Secretary shall conduct a study to determine the*  
 8 *feasibility of carrying out a project for flood damage reduc-*  
 9 *tion and environmental restoration, Menomonee River and*  
 10 *Underwood Creek, Wauwatosa, Wisconsin, and greater Mil-*  
 11 *waukee watersheds, Wisconsin.*

12 **SEC. 4088. JOHNSONVILLE DAM, JOHNSONVILLE, WIS-**  
 13 **CONSIN.**

14       *The Secretary shall conduct a study of the Johnsonville*  
 15 *Dam, Johnsonville, Wisconsin, to determine if the structure*  
 16 *prevents ice jams on the Sheboygan River.*

17 **TITLE V—MISCELLANEOUS**

18 **SEC. 5001. MAINTENANCE OF NAVIGATION CHANNELS.**

19       (a) *IN GENERAL.*—*Upon request of a non-Federal in-*  
 20 *terest, the Secretary shall be responsible for maintenance*  
 21 *of the following navigation channels and breakwaters con-*  
 22 *structed or improved by the non-Federal interest if the Sec-*  
 23 *retary determines that such maintenance is economically*  
 24 *justified and environmentally acceptable and that the chan-*  
 25 *nel or breakwater was constructed in accordance with ap-*

1 *plicable permits and appropriate engineering and design*  
2 *standards:*

3           (1) *Manatee Harbor basin, Florida.*

4           (2) *Bayou LaFourche Channel, Port Fourchon,*  
5 *Louisiana.*

6           (3) *Calcasieu River at Devil's Elbow, Louisiana.*

7           (4) *Pidgeon Industrial Harbor, Pidgeon Indus-*  
8 *trial Park, Memphis Harbor, Tennessee.*

9           (5) *Pix Bayou Navigation Channel, Chambers*  
10 *County, Texas.*

11           (6) *Racine Harbor, Wisconsin.*

12       (b) *COMPLETION OF ASSESSMENT.—Not later than 6*  
13 *months after the date of receipt of a request from a non-*  
14 *Federal interest for Federal assumption of maintenance of*  
15 *a channel listed in subsection (a), the Secretary shall make*  
16 *a determination as provided in subsection (a) and advise*  
17 *the non-Federal interest of the Secretary's determination.*

18 **SEC. 5002. WATERSHED MANAGEMENT.**

19       (a) *IN GENERAL.—The Secretary may provide tech-*  
20 *nical, planning, and design assistance to non-Federal inter-*  
21 *ests for carrying out watershed management, restoration,*  
22 *and development projects at the locations described in sub-*  
23 *section (d).*

1       (b) *SPECIFIC MEASURES.*—Assistance provided under  
2 subsection (a) may be in support of non-Federal projects  
3 for the following purposes:

4           (1) *Management and restoration of water qual-*  
5 *ity.*

6           (2) *Control and remediation of toxic sediments.*

7           (3) *Restoration of degraded streams, rivers, wet-*  
8 *lands, and other waterbodies to their natural condi-*  
9 *tion as a means to control flooding, excessive erosion,*  
10 *and sedimentation.*

11          (4) *Protection and restoration of watersheds, in-*  
12 *cluding urban watersheds.*

13          (5) *Demonstration of technologies for non-*  
14 *structural measures to reduce destructive impacts of*  
15 *flooding.*

16       (c) *NON-FEDERAL SHARE.*—The non-Federal share of  
17 the cost of assistance provided under subsection (a) shall  
18 be 50 percent.

19       (d) *PROJECT LOCATIONS.*—The locations referred to in  
20 subsection (a) are the following:

21           (1) *Big Creek watershed, Roswell, Georgia.*

22           (2) *Those portions of the watersheds of the Chat-*  
23 *tahoochee, Etowah, Flint, Ocmulgee, and Oconee Riv-*  
24 *ers lying within the counties of Bartow, Cherokee,*  
25 *Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette,*

1 *Fulton, Forsyth, Gwinnett, Hall, Henry, Paulding,*  
 2 *Rockdale, and Walton, Georgia.*

3 (3) *Kinkaid Lake, Jackson County, Illinois.*

4 (4) *Amite River basin, Louisiana.*

5 (5) *East Atchafalaya River basin, Iberville Par-*  
 6 *ish and Pointe Coupee Parish, Louisiana.*

7 (6) *Red River watershed, Louisiana.*

8 (7) *Lower Platte River watershed, Nebraska.*

9 (8) *Rio Grande watershed, New Mexico.*

10 (9) *Taunton River basin, Massachusetts.*

11 (10) *Marlboro Township, New Jersey.*

12 (11) *Esopus, Plattekill, and Rondout Creeks,*  
 13 *Greene, Sullivan, and Ulster Counties, New York.*

14 (12) *Greenwood Lake watershed, New York and*  
 15 *New Jersey.*

16 (13) *Long Island Sound watershed, New York.*

17 (14) *Ramapo River watershed, New York.*

18 (15) *Western Lake Erie basin, Ohio.*

19 (16) *Those portions of the watersheds of the Bea-*  
 20 *ver, Upper Ohio, Connoquenessing, Lower Allegheny,*  
 21 *Kiskiminetas, Lower Monongahela, Youghiogheny,*  
 22 *Shenango, and Mahoning Rivers lying within the*  
 23 *counties of Beaver, Butler, Lawrence, and Mercer,*  
 24 *Pennsylvania.*

25 (17) *Otter Creek watershed, Pennsylvania.*

1           (18) *Unami Creek watershed, Milford Township,*  
2           *Pennsylvania.*

3           (19) *Sauk River basin, Washington.*

4           (e) *AUTHORIZATION OF APPROPRIATIONS.—There is*  
5           *authorized to be appropriated to carry out this section*  
6           *\$15,000,000.*

7   **SEC. 5003. DAM SAFETY.**

8           (a) *ASSISTANCE.—The Secretary may provide assist-*  
9           *ance to enhance dam safety at the following locations:*

10           (1) *Fish Creek Dam, Blaine County, Idaho.*

11           (2) *Hamilton Dam, Saginaw River, Flint,*  
12           *Michigan.*

13           (3) *State Dam, Auburn, New York.*

14           (4) *Whaley Lake Dam, Pawling, New York.*

15           (5) *Ingham Spring Dam, Solebury Township,*  
16           *Pennsylvania.*

17           (6) *Leaser Lake Dam, Lehigh County, Pennsyl-*  
18           *vania.*

19           (7) *Stillwater Dam, Monroe County, Pennsyl-*  
20           *vania.*

21           (8) *Wissahickon Creek Dam, Montgomery Coun-*  
22           *ty, Pennsylvania.*

23           (b) *SPECIAL RULE.—The assistance provided under*  
24           *subsection (a) for State Dam, Auburn, New York, shall be*  
25           *for a project for rehabilitation in accordance with the report*

1 *on State Dam Rehabilitation, Owasco Lake Outlet, New*  
2 *York, dated March 1999, if the Secretary determines that*  
3 *the project is feasible.*

4 (c) *AUTHORIZATION OF APPROPRIATIONS.—There is*  
5 *authorized to be appropriated to carry out subsection (a)*  
6 *\$6,000,000.*

7 **SEC. 5004. STRUCTURAL INTEGRITY EVALUATIONS.**

8 (a) *IN GENERAL.—Upon request of a non-Federal in-*  
9 *terest, the Secretary shall evaluate the structural integrity*  
10 *and effectiveness of a project for flood damage reduction*  
11 *and, if the Secretary determines that the project does not*  
12 *meet such minimum standards as the Secretary may estab-*  
13 *lish and, absent action by the Secretary, the project will*  
14 *fail, the Secretary may take such action as may be nec-*  
15 *essary to restore the integrity and effectiveness of the*  
16 *project.*

17 (b) *PRIORITY.—The Secretary shall evaluate under*  
18 *subsection (a) the following projects:*

19 (1) *Project for flood damage reduction, Arkansas*  
20 *River Levees, Arkansas.*

21 (2) *Project for flood damage reduction,*  
22 *Nonconnah Creek, Tennessee.*



1 **SEC. 5005. FLOOD MITIGATION PRIORITY AREAS.**

2 (a) *IN GENERAL.*—Section 212(e) of the Water Re-  
 3 sources Development Act of 1999 (33 U.S.C. 2332(e); 114  
 4 Stat. 2599) is amended—

5 (1) by striking “and” at the end of paragraphs  
 6 (23) and (27);

7 (2) by striking the period at the end of para-  
 8 graph (28) and inserting a semicolon; and

9 (3) by adding at the end the following:

10 “(29) Ascension Parish, Louisiana;

11 “(30) East Baton Rouge Parish, Louisiana;

12 “(31) Iberville Parish, Louisiana;

13 “(32) Livingston Parish, Louisiana; and

14 “(33) Pointe Coupee Parish, Louisiana.”.

15 (b) *AUTHORIZATION OF APPROPRIATIONS.*—Section  
 16 212(i)(1) of such Act (33 U.S.C. 2332(i)(1)) is amended by  
 17 striking “section—” and all that follows before the period  
 18 at the end and inserting “section \$20,000,000”.

19 **SEC. 5006. ADDITIONAL ASSISTANCE FOR AUTHORIZED**  
 20 **PROJECTS.**

21 (a) *IN GENERAL.*—Section 219(e) of the Water Re-  
 22 sources Development Act of 1992 (106 Stat. 4835; 110 Stat.  
 23 3757; 113 Stat. 334) is amended—

24 (1) by striking “and” at the end of paragraph  
 25 (7);

1           (2) *by striking the period at the end of para-*  
2           *graph (8) and inserting a semicolon; and*

3           (3) *by adding at the end the following:*

4           “(9) \$35,000,000 for the project described in sub-  
5           section (c)(18);

6           “(10) \$27,000,000 for the project described in  
7           subsection (c)(19);

8           “(11) \$20,000,000 for the project described in  
9           subsection (c)(20);

10          “(12) \$35,000,000 for the project described in  
11          subsection (c)(23);

12          “(13) \$20,000,000 for the project described in  
13          subsection (c)(25);

14          “(14) \$20,000,000 for the project described in  
15          subsection (c)(26);

16          “(15) \$35,000,000 for the project described in  
17          subsection (c)(27);

18          “(16) \$20,000,000 for the project described in  
19          subsection (c)(28); and

20          “(17) \$30,000,000 for the project described in  
21          subsection (c)(40).”.

22          (b) *EAST ARKANSAS ENTERPRISE COMMUNITY, AR-*  
23          *KANSAS.—Federal assistance made available under the*  
24          *rural enterprise zone program of the Department of Agri-*  
25          *culture may be used toward payment of the non-Federal*

1 *share of the costs of the project described in section*  
 2 *219(c)(20) of the Water Resources Development Act of 1992*  
 3 *(114 Stat. 2763A–219) if such assistance is authorized to*  
 4 *be used for such purposes.*

5 **SEC. 5007. EXPEDITED COMPLETION OF REPORTS AND CON-**  
 6 **STRUCTION FOR CERTAIN PROJECTS.**

7 *The Secretary shall expedite completion of the reports*  
 8 *and, if the Secretary determines that the project is feasible,*  
 9 *shall expedite completion of construction for the following*  
 10 *projects:*

11 *(1) False River, Louisiana, being carried out*  
 12 *under section 206 of the Water Resources Development*  
 13 *Act of 1996 (33 U.S.C. 2330).*

14 *(2) Fulmer Creek, Village of Mohawk, New York,*  
 15 *being carried out under section 205 of the Flood Con-*  
 16 *trol Act of 1948 (33 U.S.C. 701s).*

17 *(3) Moyer Creek, Village of Frankfort, New York,*  
 18 *being carried out under section 205 of the Flood Con-*  
 19 *trol Act of 1948 (33 U.S.C. 701s).*

20 *(4) Steele Creek, Village of Ilion, New York,*  
 21 *being carried out under section 205 of the Flood Con-*  
 22 *trol Act of 1948 (33 U.S.C. 701s).*

23 *(5) Oriskany Wildlife Management Area, Rome,*  
 24 *New York, being carried out under section 206 of the*

1       *Water Resources Development Act of 1996 (33 U.S.C.*  
 2       *2330).*

3               *(6) Whitney Point Lake, Otselic River, Whitney*  
 4       *Point, New York, being carried out under section*  
 5       *1135 of the Water Resources Development Act of 1986*  
 6       *(33 U.S.C. 2309a).*

7               *(7) North River, Peabody, Massachusetts, being*  
 8       *carried out under section 205 of the Flood Control Act*  
 9       *of 1948 (33 U.S.C. 701s).*

10              *(8) Chenango Lake, Chenango County, New*  
 11       *York, being carried out under section 206 of the*  
 12       *Water Resources Development Act of 1996 (33 U.S.C.*  
 13       *2330).*

14   **SEC. 5008. EXPEDITED COMPLETION OF REPORTS FOR CER-**  
 15                               **TAIN PROJECTS.**

16       *(a) IN GENERAL.—The Secretary shall expedite com-*  
 17       *pletion of the reports for the following projects and, if the*  
 18       *Secretary determines that a project is justified in the com-*  
 19       *pleted report, proceed directly to project preconstruction,*  
 20       *engineering, and design:*

21              *(1) Project for water supply, Little Red River,*  
 22       *Arkansas.*

23              *(2) Project for shoreline stabilization at Egmont*  
 24       *Key, Florida.*

1           (3) *Project for ecosystem restoration, University*  
2       *Lake, Baton Rouge, Louisiana.*

3           (4) *Project for navigation, Sabine-Neches Water-*  
4       *way, Texas and Louisiana.*

5       (b) *SPECIAL RULE FOR EGMONT KEY, FLORIDA.—In*  
6       *carrying out the project for shoreline stabilization at*  
7       *Egmont Key, Florida, referred to in subsection (a)(3), the*  
8       *Secretary shall waive any cost share to be provided by non-*  
9       *Federal interests for any portion of the project that benefits*  
10      *federally owned property.*

11   **SEC. 5009. SOUTHEASTERN WATER RESOURCES ASSESS-**  
12                           **MENT.**

13       (a) *IN GENERAL.—The Secretary shall conduct, at*  
14       *Federal expense, an assessment of the water resources needs*  
15       *of the river basins and watersheds of the southeastern*  
16       *United States.*

17       (b) *COOPERATIVE AGREEMENTS.—In carrying out the*  
18       *assessment, the Secretary may enter into cooperative agree-*  
19       *ments with State and local agencies, non-Federal and non-*  
20       *profit entities, and regional researchers.*

21       (c) *AUTHORIZATION OF APPROPRIATIONS.—There is*  
22       *authorized to be appropriated \$7,000,000 to carry out this*  
23       *section.*

1 **SEC. 5010. UPPER MISSISSIPPI RIVER ENVIRONMENTAL**  
2 **MANAGEMENT PROGRAM.**

3 *Section 1103(e)(7) of the Water Resources Development*  
4 *Act of 1986 (33 U.S.C. 652(e)(7)) is amended—*

5 *(1) by adding at the end of subparagraph (A) the*  
6 *following: “The non-Federal interest may provide the*  
7 *non-Federal share of the cost of the project in the form*  
8 *of in-kind services and materials.”; and*

9 *(2) by inserting after subparagraph (B) the fol-*  
10 *lowing:*

11 *“(C) Notwithstanding section 221 of the Flood Control*  
12 *Act of 1970 (42 U.S.C. 1962d–5b), a non-Federal interest*  
13 *may include for any project undertaken under this section,*  
14 *a nonprofit entity with the consent of the affected local gov-*  
15 *ernment.”.*

16 **SEC. 5011. MISSOURI AND MIDDLE MISSISSIPPI RIVER EN-**  
17 **HANCEMENT PROJECT.**

18 *Section 514(g) of the Water Resources Development Act*  
19 *of 1999 (113 Stat. 343; 117 Stat. 142) is amended by strik-*  
20 *ing “and 2004” and inserting “through 2015”.*

21 **SEC. 5012. GREAT LAKES FISHERY AND ECOSYSTEM RES-**  
22 **TORATION.**

23 *Section 506(f)(3)(B) of the Water Resources Develop-*  
24 *ment Act of 2000 (42 U.S.C. 1962d–22; 114 Stat. 2646)*  
25 *is amended by striking “50 percent” and inserting “100*  
26 *percent”.*

1 **SEC. 5013. GREAT LAKES REMEDIAL ACTION PLANS AND**  
2 **SEDIMENT REMEDIATION.**

3 *Section 401(c) of the Water Resources Development Act*  
4 *of 1990 (104 Stat. 4644; 33 U.S.C. 1268 note) is amended*  
5 *by striking “through 2006” and inserting “through 2012”.*

6 **SEC. 5014. GREAT LAKES TRIBUTARY MODELS.**

7 *Section 516(g)(2) of the Water Resources Development*  
8 *Act of 1996 (33 U.S.C. 2326b(g)(2)) is amended by striking*  
9 *“through 2006” and inserting “through 2012”.*

10 **SEC. 5015. GREAT LAKES NAVIGATION.**

11 *(a) IN GENERAL.—Using available funds, the Sec-*  
12 *retary shall expedite the operation and maintenance, in-*  
13 *cluding dredging, of the navigation features of the Great*  
14 *Lakes and Connecting Channels for the purpose of sup-*  
15 *porting commercial navigation to authorized project depths.*

16 *(b) GREAT LAKES AND CONNECTING CHANNELS DE-*  
17 *FINED.—In this section, the term “Great Lakes and Con-*  
18 *necting Channels” includes Lakes Superior, Huron, Michi-*  
19 *gan, Erie, and Ontario, all connecting waters between and*  
20 *among such lakes used for commercial navigation, any*  
21 *navigation features in such lakes or waters that are a Fed-*  
22 *eral operation or maintenance responsibility, and areas of*  
23 *the Saint Lawrence River that are operated or maintained*  
24 *by the Federal government for commercial navigation.*

1 **SEC. 5016. UPPER MISSISSIPPI RIVER DISPERSAL BARRIER**  
2 **PROJECT.**

3 (a) *IN GENERAL.*—*The Secretary, in consultation with*  
4 *appropriate Federal and State agencies, shall study, design,*  
5 *and carry out a project for preventing and reducing the*  
6 *dispersal of aquatic nuisance species through the Upper*  
7 *Mississippi River system. The Secretary shall complete the*  
8 *study, design, and construction of the project not later than*  
9 *6 months after the date of enactment of this Act.*

10 (b) *DISPERSAL BARRIER.*—*The Secretary, at Federal*  
11 *expense, shall—*

12 (1) *investigate and identify environmentally*  
13 *sound methods for preventing and reducing the dis-*  
14 *persal of aquatic nuisance species;*

15 (2) *study, design, and carry out a project for a*  
16 *dispersal barrier, using available technologies and*  
17 *measures, to be located in the lock portion of Lock*  
18 *and Dam 11 in the Upper Mississippi River basin;*

19 (3) *monitor and evaluate, in cooperation with*  
20 *the Director of the United States Fish and Wildlife*  
21 *Service, the effectiveness of the project in preventing*  
22 *and reducing the dispersal of aquatic nuisance species*  
23 *through the Upper Mississippi River system, and re-*  
24 *port to the Committee on Transportation and Infra-*  
25 *structure of the House of Representatives and the*



1        *Committee on Environment and Public Works of the*  
 2        *Senate on the results of the evaluation; and*  
 3            *(4) operate and maintain the project.*

4        *(c) AUTHORIZATION OF APPROPRIATIONS.—There is*  
 5        *authorized to be appropriated \$4,000,000 to carry out this*  
 6        *section.*

7        ***SEC. 5017. SUSQUEHANNA, DELAWARE, AND POTOMAC***  
 8                    ***RIVER BASINS, DELAWARE, MARYLAND, PENN-***  
 9                    ***SYLVANIA, AND VIRGINIA.***

10        *(a) EX OFFICIO MEMBER.—Notwithstanding section*  
 11        *3001(a) of the 1997 Emergency Supplemental Appropria-*  
 12        *tions Act for Recovery From Natural Disasters, and for*  
 13        *Overseas Peacekeeping Efforts, Including Those in Bosnia*  
 14        *(Public Law 105–18; 111 Stat. 176), section 2.2 of the Sus-*  
 15        *quehanna River Basin Compact (Public Law 91–575), and*  
 16        *section 2.2 of the Delaware River Basin Compact (Public*  
 17        *Law 87–328), beginning in fiscal year 2002, and each fiscal*  
 18        *year thereafter, the Division Engineer, North Atlantic Divi-*  
 19        *sion, Corps of Engineers—*

20            *(1) shall be the ex officio United States member*  
 21        *under the Susquehanna River Basin Compact, the*  
 22        *Delaware River Basin Compact, and the Potomac*  
 23        *River Basin Compact;*

24            *(2) shall serve without additional compensation;*  
 25        *and*

1           (3) *may designate an alternate member in ac-*  
2           *cordance with the terms of those compacts.*

3           (b) *AUTHORIZATION TO ALLOCATE.—The Secretary*  
4           *shall allocate funds to the Susquehanna River Basin Com-*  
5           *mission, Delaware River Basin Commission, and the Inter-*  
6           *state Commission on the Potomac River Basin (Potomac*  
7           *River Basin Compact (Public Law 91–407)) to fulfill the*  
8           *equitable funding requirements of the respective interstate*  
9           *compacts.*

10          (c) *WATER SUPPLY AND CONSERVATION STORAGE,*  
11          *DELAWARE RIVER BASIN.—*

12               (1) *IN GENERAL.—The Secretary shall enter into*  
13               *an agreement with the Delaware River Basin Com-*  
14               *mission to provide temporary water supply and con-*  
15               *servation storage at the Francis E. Walter Dam,*  
16               *Pennsylvania, for any period during which the Com-*  
17               *mission has determined that a drought warning or*  
18               *drought emergency exists.*

19               (2) *LIMITATION.—The agreement shall provide*  
20               *that the cost for water supply and conservation stor-*  
21               *age under paragraph (1) shall not exceed the incre-*  
22               *mental operating costs associated with providing the*  
23               *storage.*

24          (d) *WATER SUPPLY AND CONSERVATION STORAGE,*  
25          *SUSQUEHANNA RIVER BASIN.—*

1           (1) *IN GENERAL.*—*The Secretary shall enter into*  
2           *an agreement with the Susquehanna River Basin*  
3           *Commission to provide temporary water supply and*  
4           *conservation storage at Federal facilities operated by*  
5           *the Corps of Engineers in the Susquehanna River*  
6           *Basin for any period for which the Commission has*  
7           *determined that a drought warning or drought emer-*  
8           *gency exists.*

9           (2) *LIMITATION.*—*The agreement shall provide*  
10          *that the cost for water supply and conservation stor-*  
11          *age under paragraph (1) shall not exceed the incre-*  
12          *mental operating costs associated with providing the*  
13          *storage.*

14          (e) *WATER SUPPLY AND CONSERVATION STORAGE, PO-*  
15          *TOMAC RIVER BASIN.*—

16               (1) *IN GENERAL.*—*The Secretary shall enter into*  
17               *an agreement with the Potomac River Basin Commis-*  
18               *sion to provide temporary water supply and con-*  
19               *servation storage at Federal facilities operated by the*  
20               *Corps of Engineers in the Potomac River Basin for*  
21               *any period for which the Commission has determined*  
22               *that a drought warning or drought emergency exists.*

23               (2) *LIMITATION.*—*The agreement shall provide*  
24               *that the cost for water supply and conservation stor-*  
25               *age under paragraph (1) shall not exceed the incre-*

1        *mental operating costs associated with providing the*  
2        *storage.*

3        **SEC. 5018. CHESAPEAKE BAY ENVIRONMENTAL RESTORA-**  
4        **TION AND PROTECTION PROGRAM.**

5        (a) *FORM OF ASSISTANCE.*—Section 510(a)(2) of the  
6        *Water Resources Development Act of 1996 (110 Stat. 3759)*  
7        *is amended by striking “, and beneficial uses of dredged*  
8        *material” and inserting “, beneficial uses of dredged mate-*  
9        *rial, and restoration of submerged aquatic vegetation”.*

10        (b) *AUTHORIZATION OF APPROPRIATIONS.*—Section  
11        *510(i) of such Act (110 Stat. 3761) is amended by striking*  
12        *“\$10,000,000” and inserting “\$50,000,000”.*

13        **SEC. 5019. HYPOXIA ASSESSMENT.**

14        *The Secretary may participate with Federal, State,*  
15        *and local agencies, non-Federal and nonprofit entities, re-*  
16        *gional researchers, and other interested parties to assess hy-*  
17        *poxia in the Gulf of Mexico.*

18        **SEC. 5020. POTOMAC RIVER WATERSHED ASSESSMENT AND**  
19        **TRIBUTARY STRATEGY EVALUATION AND**  
20        **MONITORING PROGRAM.**

21        *The Secretary may participate in the Potomac River*  
22        *Watershed Assessment and Tributary Strategy Evaluation*  
23        *and Monitoring Program to identify a series of resource*  
24        *management indicators to accurately monitor the effective-*  
25        *ness of the implementation of the agreed upon tributary*

1 *strategies and other public policies that pertain to natural*  
2 *resource protection of the Potomac River watershed.*

3 **SEC. 5021. LOCK AND DAM SECURITY.**

4 (a) *STANDARDS.*—*The Secretary, in consultation with*  
5 *the Federal Emergency Management Agency, the Tennessee*  
6 *Valley Authority, and the Coast Guard, shall develop stand-*  
7 *ards for the security of locks and dams, including the test-*  
8 *ing and certification of vessel exclusion barriers.*

9 (b) *SITE SURVEYS.*—*At the request of a lock or dam*  
10 *owner, the Secretary shall provide technical assistance, on*  
11 *a reimbursable basis, to improve lock or dam security.*

12 (c) *COOPERATIVE AGREEMENT.*—*The Secretary may*  
13 *enter into a cooperative agreement with a nonprofit alliance*  
14 *of public and private organizations that has the mission*  
15 *of promoting safe waterways and seaports to carry out test-*  
16 *ing and certification activities, and to perform site surveys,*  
17 *under this section.*

18 (d) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*  
19 *authorized to be appropriated \$3,000,000 to carry out this*  
20 *section.*

21 **SEC. 5022. REHABILITATION.**

22 *The Secretary, at Federal expense and not to exceed*  
23 *\$1,000,000, shall rehabilitate and improve the water-related*  
24 *infrastructure and the transportation infrastructure for the*  
25 *historic property in the Anacostia River Watershed located*

1 *in the District of Columbia, including measures to address*  
 2 *wet weather conditions. To carry out this section, the Sec-*  
 3 *retary shall accept funds provided for such project under*  
 4 *any other Federal program.*

5 **SEC. 5023. RESEARCH AND DEVELOPMENT PROGRAM FOR**  
 6 **COLUMBIA AND SNAKE RIVER SALMON SUR-**  
 7 **VIVAL.**

8 *Section 511 of the Water Resources Development Act*  
 9 *of 1996 (16 U.S.C. 3301 note; 110 Stat. 3761; 113 Stat.*  
 10 *375) is amended—*

11 *(1) in subsection (a)(6) by striking*  
 12 *“\$10,000,000” and inserting “\$25,000,000”; and*  
 13 *(2) in subsection (c)(2) by striking “\$1,000,000”*  
 14 *and inserting “\$10,000,000”.*

15 **SEC. 5024. AUBURN, ALABAMA.**

16 *The Secretary may provide technical assistance relat-*  
 17 *ing to water supply to the city of Auburn, Alabama. There*  
 18 *is authorized to be appropriated \$5,000,000 to carry out*  
 19 *this section.*

20 **SEC. 5025. PINHOOK CREEK, HUNTSVILLE, ALABAMA.**

21 *(a) PROJECT AUTHORIZATION.—The Secretary shall*  
 22 *design and construct the locally preferred plan for flood pro-*  
 23 *tection at Pinhook Creek, Huntsville, Alabama. In carrying*  
 24 *out the project, the Secretary shall utilize, to the extent*  
 25 *practicable, the existing detailed project report for the*

1 *project prepared under the authority of section 205 of the*  
 2 *Flood Control Act of 1948 (33 U.S.C. 701s).*

3 (b) *PARTICIPATION BY NON-FEDERAL INTEREST.—*

4 *The Secretary shall allow the non-Federal interest to par-*  
 5 *ticipate in the financing of the project in accordance with*  
 6 *section 903(c) of the Water Resources Development Act of*  
 7 *1986 (100 Stat. 4184) to the extent that the Secretary’s*  
 8 *evaluation indicates that applying such section is necessary*  
 9 *to implement the project.*

10 (c) *CREDIT.—The Secretary shall credit toward the*  
 11 *non-Federal share of the cost of the project the cost of work*  
 12 *carried out by the non-Federal interest before the date of*  
 13 *the partnership agreement for the project if the Secretary*  
 14 *determines that the work is integral to the project.*

15 **SEC. 5026. ALASKA.**

16 *Section 570 of the Water Resources Development Act*  
 17 *of 1999 (113 Stat. 369) is amended—*

18 (1) *in subsection (c) by inserting “environmental*  
 19 *restoration,” after “water supply and related facili-*  
 20 *ties,”;*

21 (2) *in subsection (e)(3)(B) by striking the last*  
 22 *sentence;*

23 (3) *in subsection (h) by striking “\$25,000,000”*  
 24 *and inserting “\$45,000,000”; and*

25 (4) *by adding at the end the following:*

1       “(i) *NONPROFIT ENTITIES.*—Notwithstanding section  
 2   221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–  
 3   5b(b)), a non-Federal interest may include for any project  
 4   undertaken under this section a nonprofit entity with the  
 5   consent of the affected local government.

6       “(j) *CORPS OF ENGINEERS EXPENSES.*—Ten percent  
 7   of the amounts appropriated to carry out this section may  
 8   be used by the Corps of Engineers district offices to admin-  
 9   ister projects under this section at Federal expense.”.

10   **SEC. 5027. BARROW, ALASKA.**

11       *The Secretary shall carry out, under section 117 of the*  
 12   *Energy and Water Development Appropriations Act, 2005*  
 13   *(118 Stat. 2944), a nonstructural project for coastal erosion*  
 14   *and storm damage prevention and reduction at Barrow,*  
 15   *Alaska, including relocation of infrastructure.*

16   **SEC. 5028. COFFMAN COVE, ALASKA.**

17       *The Secretary is authorized to carry out a project for*  
 18   *navigation, Coffman Cove, Alaska, at a total cost of*  
 19   *\$3,000,000.*

20   **SEC. 5029. FIRE ISLAND, ALASKA.**

21       “(a) *IN GENERAL.*—The Secretary is authorized to pro-  
 22   vide planning, design, and construction assistance to the  
 23   non-Federal interest for the construction of a causeway be-  
 24   tween Point Campbell and Fire Island, Alaska, including



1 *the beneficial use of dredged material in the construction*  
2 *of the causeway.*

3 (b) *AUTHORIZATION OF APPROPRIATIONS.—There is*  
4 *authorized to be appropriated \$5,000,000 to carry out this*  
5 *section.*

6 **SEC. 5030. FORT YUKON, ALASKA.**

7 *The Secretary shall make repairs to the dike at Fort*  
8 *Yukon, Alaska, so that the dike meets Corps of Engineers*  
9 *standards.*

10 **SEC. 5031. KOTZEBUE HARBOR, ALASKA.**

11 *The Secretary is authorized to carry out a project for*  
12 *navigation, Kotzebue Harbor, Kotzebue, Alaska, at total*  
13 *cost of \$2,200,000.*

14 **SEC. 5032. LOWELL CREEK TUNNEL, SEWARD, ALASKA.**

15 (a) *LONG-TERM MAINTENANCE AND REPAIR.—The*  
16 *Secretary shall assume responsibility for the long-term*  
17 *maintenance and repair of the Lowell Creek Tunnel.*

18 (b) *STUDY.—The Secretary shall conduct a study to*  
19 *determine whether alternative methods of flood diversion in*  
20 *Lowell Canyon are feasible.*

21 **SEC. 5033. ST. HERMAN AND ST. PAUL HARBORS, KODIAK,**  
22 **ALASKA.**

23 *The Secretary shall carry out, on an emergency basis,*  
24 *necessary removal of rubble, sediment, and rock impeding*

1 *the entrance to the St. Herman and St. Paul Harbors, Ko-*  
 2 *diak, Alaska, at a Federal cost of \$2,000,000.*

3 **SEC. 5034. TANANA RIVER, ALASKA.**

4 *The Secretary shall carry out, on an emergency basis,*  
 5 *the removal of the hazard to navigation on the Tanana*  
 6 *River, Alaska, near the mouth of the Chena River, as de-*  
 7 *scribed in the January 3, 2005, memorandum from the*  
 8 *Commander, Seventeenth Coast Guard District, to the*  
 9 *Corps of Engineers, Alaska District, Anchorage, Alaska.*

10 **SEC. 5035. VALDEZ, ALASKA.**

11 *The Secretary is authorized to construct a small boat*  
 12 *harbor in Valdez, Alaska, at a total cost of \$20,000,000,*  
 13 *with an estimated Federal cost of \$10,500,000 and an esti-*  
 14 *mated non-Federal cost of \$9,500,000.*

15 **SEC. 5036. WHITTIER, ALASKA.**

16 *(a) STUDY.—The Secretary shall conduct, at Federal*  
 17 *expense, a study to determine the feasibility of carrying out*  
 18 *projects for navigation at Whittier, Alaska, to construct a*  
 19 *new boat harbor at the head of Whittier Bay and to expand*  
 20 *the existing harbor and, if the Secretary determines that*  
 21 *a project is feasible, the Secretary may carry out the project.*

22 *(b) NON-FEDERAL COST SHARE.—The non-Federal*  
 23 *interest for the project may use, and the Secretary shall ac-*  
 24 *cept, funds provided by a Federal agency under any other*  
 25 *Federal program, to satisfy, in whole or in part, the non-*

1 *Federal share of the cost of the project if such funds are*  
2 *authorized to be used to carry out the project.*

3 (c) *AUTHORIZATION OF APPROPRIATIONS.—There is*  
4 *authorized to be appropriated to carry out this section*  
5 *\$35,200,000.*

6 **SEC. 5037. WRANGELL HARBOR, ALASKA.**

7 (a) *GENERAL NAVIGATION FEATURES.—In carrying*  
8 *out the project for navigation, Wrangell Harbor, Alaska,*  
9 *authorized by section 101(b)(1) of the Water Resources De-*  
10 *velopment Act of 1999 (113 Stat. 279), the Secretary shall*  
11 *consider the dredging of the mooring basin and construction*  
12 *of the inner harbor facilities to be general navigation fea-*  
13 *tures for purposes of estimating the non-Federal share of*  
14 *project costs.*

15 (b) *REVISION OF PARTNERSHIP AGREEMENT.—The*  
16 *Secretary shall revise the partnership agreement for the*  
17 *project to reflect the change required by subsection (a).*

18 **SEC. 5038. AUGUSTA AND CLARENDON, ARKANSAS.**

19 (a) *IN GENERAL.—The Secretary is authorized to per-*  
20 *form operation, maintenance, and rehabilitation of author-*  
21 *ized and completed levees on the White River between Au-*  
22 *gusta and Clarendon, Arkansas.*

23 (b) *REIMBURSEMENT.—After performing the oper-*  
24 *ation, maintenance, and rehabilitation under subsection*  
25 *(a), the Secretary shall seek reimbursement from the Sec-*

1 *retary of the Interior of an amount equal to the costs allo-*  
 2 *cated to benefits to a Federal wildlife refuge of such oper-*  
 3 *ation, maintenance, and rehabilitation.*

4 **SEC. 5039. DES ARC LEVEE PROTECTION, ARKANSAS.**

5 *The Secretary shall review the project for flood control,*  
 6 *Des Arc, Arkansas, to determine whether bank and channel*  
 7 *scour along the White River threaten the existing project*  
 8 *and whether the scour is as a result of a design deficiency.*  
 9 *If the Secretary determines that such conditions exist as*  
 10 *a result of a deficiency, the Secretary shall carry out meas-*  
 11 *ures to eliminate the deficiency.*

12 **SEC. 5040. LOOMIS LANDING, ARKANSAS.**

13 *The Secretary shall conduct a study of shore damage*  
 14 *in the vicinity of Loomis Landing, Arkansas, to determine*  
 15 *if the damage is the result of a Federal navigation project,*  
 16 *and, if the Secretary determines that the damage is the re-*  
 17 *sult of a Federal navigation project, the Secretary shall*  
 18 *carry out a project to mitigate the damage under section*  
 19 *111 of the River and Harbor Act of 1968 (33 U.S.C. 426i).*

20 **SEC. 5041. ST. FRANCIS RIVER BASIN, ARKANSAS AND MIS-**  
 21 **SOURI.**

22 *The Secretary shall conduct a study of increased silta-*  
 23 *tion and streambank erosion in the St. Francis River*  
 24 *Basin, Arkansas and Missouri, to determine if the siltation*  
 25 *or erosion, or both, are the result of a Federal flood control*

1 *project and, if the Secretary determines that the siltation*  
2 *or erosion, or both, are the result of a Federal flood control*  
3 *project, the Secretary shall carry out a project to mitigate*  
4 *the siltation or erosion, or both.*

5 **SEC. 5042. CAMBRIA, CALIFORNIA.**

6 *Section 219(f)(48) of the Water Resources Development*  
7 *Act of 1992 (114 Stat. 2763A–220) is amended—*

8 *(1) by striking “\$10,300,000” and inserting the*  
9 *following:*

10 *“(A) IN GENERAL.—\$10,300,000”;*

11 *(2) by adding at the end the following:*

12 *“(B) CREDIT.—The Secretary shall credit*  
13 *toward the non-Federal share of the cost of the*  
14 *project not to exceed \$3,000,000 for the cost of*  
15 *planning and design work carried out by the*  
16 *non-Federal interest before the date of the part-*  
17 *nership agreement for the project if the Secretary*  
18 *determines that the work is integral to the*  
19 *project.”; and*

20 *(3) by aligning the remainder of the text of sub-*  
21 *paragraph (A) (as designated by paragraph (1) of*  
22 *this section) with subparagraph (B) (as added by*  
23 *paragraph (2) of this section).*

1 **SEC. 5043. CONTRA COSTA CANAL, OAKLEY AND**  
 2 **KNIGHTSEN, CALIFORNIA; MALLARD SLOUGH,**  
 3 **PITTSBURG, CALIFORNIA.**

4 *Sections 512 and 514 of the Water Resources Develop-*  
 5 *ment Act of 2000 (114 Stat. 2650) are each amended by*  
 6 *adding at the end the following: “All planning, study, de-*  
 7 *sign, and construction on the project shall be carried out*  
 8 *by the office of the district engineer, San Francisco, Cali-*  
 9 *fornia.”.*

10 **SEC. 5044. DANA POINT HARBOR, CALIFORNIA.**

11 *The Secretary shall conduct a study of the causes of*  
 12 *water quality degradation within Dana Point Harbor,*  
 13 *California, to determine if the degradation is the result of*  
 14 *a Federal navigation project, and, if the Secretary deter-*  
 15 *mines that the degradation is the result of a Federal naviga-*  
 16 *tion project, the Secretary shall carry out a project to miti-*  
 17 *gate the degradation at Federal expense.*

18 **SEC. 5045. EAST SAN JOAQUIN COUNTY, CALIFORNIA.**

19 *Section 219(f)(22) of the Water Resources Development*  
 20 *Act of 1992 (113 Stat. 336) is amended—*

21 *(1) by striking “\$25,000,000” and inserting the*  
 22 *following:*

23 *“(A) IN GENERAL.—\$25,000,000”;*

24 *(2) by adding at the end the following:*

25 *“(B) CREDIT.—The Secretary shall credit*  
 26 *toward the non-Federal share of the cost of the*

1        *project (i) the cost of design and construction*  
 2        *work carried out by the non-Federal interest be-*  
 3        *fore, on, or after the date of the partnership*  
 4        *agreement for the project if the Secretary deter-*  
 5        *mines that the work is integral to the project;*  
 6        *and (ii) the cost of provided for the project by*  
 7        *the non-Federal interest.*

8                *“(C) IN-KIND CONTRIBUTIONS.—The non-*  
 9        *Federal interest may provide any portion of the*  
 10        *non-Federal share of the cost of the project in the*  
 11        *form of in-kind services and materials.”; and*

12        *(3) by aligning the remainder of the text of sub-*  
 13        *paragraph (A) (as designated by paragraph (1) of*  
 14        *this section) with subparagraph (B) (as added by*  
 15        *paragraph (2) of this section).*

16    **SEC. 5046. EASTERN SANTA CLARA BASIN, CALIFORNIA.**

17        *Section 111(c) of the Miscellaneous Appropriations*  
 18        *Act, 2001 (as enacted into law by Public Law 106–554;*  
 19        *114 Stat. 2763A–224) is amended—*

20                *(1) by striking “\$25,000,000” and inserting*  
 21        *“\$28,000,000”; and*

22                *(2) by striking “\$7,000,000” and inserting*  
 23        *“\$10,000,000”.*

1 **SEC. 5047. LOS OSOS, CALIFORNIA.**

2 *Section 219(c)(27) of the Water Resources Development*  
3 *Act of 1992 (106 Stat. 4835; 114 Stat. 2763A–219) is*  
4 *amended to read as follows:*

5 “(27) *LOS OSOS, CALIFORNIA.*—Wastewater in-  
6 *frastructure, Los Osos, California.*”.

7 **SEC. 5048. PINE FLAT DAM AND RESERVOIR, CALIFORNIA.**

8 (a) *IN GENERAL.*—The Secretary shall review the  
9 *Kings River Fisheries Management Program Framework*  
10 *Agreement, dated May 29, 1999, among the California De-*  
11 *partment of Fish and Game, the Kings River Water Asso-*  
12 *ciation, and the Kings River Conservation District and, if*  
13 *the Secretary determines that the management program is*  
14 *feasible, the Secretary may participate in the management*  
15 *program.*

16 (b) *PROHIBITION.*—Nothing in this section authorizes  
17 *any project for the raising of, or the construction of, a*  
18 *multilevel intake structure at Pine Flat Dam, California.*

19 (c) *USE OF EXISTING STUDIES.*—In carrying out this  
20 *section, the Secretary shall use, to the maximum extent*  
21 *practicable, studies in existence on the date of enactment*  
22 *of this Act, including data and environmental documenta-*  
23 *tion in the Report of the Chief of Engineers, Pine Flat Dam*  
24 *and Reservoir, Fresno County, California, dated July 19,*  
25 *2002.*



1       (d) *CREDIT.*—*The Secretary shall credit toward the*  
 2 *non-Federal share of the cost of the project the cost of plan-*  
 3 *ning, design, and construction work carried out by the non-*  
 4 *Federal interest before the date of the partnership agreement*  
 5 *for the project if the Secretary determines that the work is*  
 6 *integral to the project.*

7       (e) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*  
 8 *authorized to be appropriated to \$20,000,000 to carry out*  
 9 *this section.*

10 **SEC. 5049. RAYMOND BASIN, SIX BASINS, CHINO BASIN, AND**  
 11 **SAN GABRIEL BASIN, CALIFORNIA.**

12       (a) *COMPREHENSIVE PLAN.*—*The Secretary, in con-*  
 13 *sultation and coordination with appropriate Federal, State,*  
 14 *and local entities, shall develop a comprehensive plan for*  
 15 *the management of water resources in the Raymond Basin,*  
 16 *Six Basins, Chino Basin, and San Gabriel Basin, Cali-*  
 17 *fornia. The Secretary may carry out activities identified*  
 18 *in the comprehensive plan to demonstrate practicable alter-*  
 19 *natives for water resources management.*

20       (b) *NON-FEDERAL SHARE.*—

21               (1) *IN GENERAL.*—*The non-Federal share of the*  
 22 *cost of activities carried out under this section shall*  
 23 *be 35 percent.*

24               (2) *CREDIT.*—*The Secretary shall credit toward*  
 25 *the non-Federal share of the cost of activities carried*

1        *out under this section the cost of planning, design,*  
2        *and construction work completed by or on behalf of*  
3        *the non-Federal interests for implementation of meas-*  
4        *ures under this section. The amount of such credit*  
5        *shall not exceed the non-Federal share of the cost of*  
6        *such activities.*

7            (3) *OPERATION AND MAINTENANCE.—The non-*  
8        *Federal share of the cost of operation and mainte-*  
9        *nance of any measures constructed under this section*  
10       *shall be 100 percent.*

11        (c) *AUTHORIZATION OF APPROPRIATIONS.—There is*  
12       *authorized to be appropriated to carry out this section*  
13       *\$5,000,000.*

14       **SEC. 5050. SAN FRANCISCO, CALIFORNIA.**

15        (a) *IN GENERAL.—The Secretary, in cooperation with*  
16       *the Port of San Francisco, California, may carry out the*  
17       *project for repair and removal, as appropriate, of Piers 30-*  
18       *32, 35, 36, 70 (including Wharves 7 and 8), and 80 in San*  
19       *Francisco, California, substantially in accordance with the*  
20       *Port's redevelopment plan.*

21        (b) *AUTHORIZATION OF APPROPRIATION.—There is*  
22       *authorized to be appropriated \$25,000,000 to carry out this*  
23       *subsection.*

1 **SEC. 5051. SAN FRANCISCO, CALIFORNIA, WATERFRONT**  
2 **AREA.**

3 (a) *AREA TO BE DECLARED NONNAVIGABLE; PUBLIC*  
4 *INTEREST.*—*Unless the Secretary finds, after consultation*  
5 *with local and regional public officials (including local and*  
6 *regional public planning organizations), that the proposed*  
7 *projects to be undertaken within the boundaries of the por-*  
8 *tion of the San Francisco, California, waterfront area de-*  
9 *scribed in subsection (b) are not in the public interest, such*  
10 *portion is declared to be nonnavigable waters of the United*  
11 *States.*

12 (b) *NORTHERN EMBARCADERO SOUTH OF BRYANT*  
13 *STREET.*—*The portion of the San Francisco, California,*  
14 *waterfront area referred to in subsection (a) is as follows:*  
15 *Beginning at the intersection of the northeasterly prolonga-*  
16 *tion of that portion of the northwesterly line of Bryant*  
17 *Street lying between Beale Street and Main Street with the*  
18 *southwesterly line of Spear Street, which intersection lies*  
19 *on the line of jurisdiction of the San Francisco Port Com-*  
20 *mission; following thence southerly along said line of juris-*  
21 *diction as described in the State of California Harbor and*  
22 *Navigation Code Section 1770, as amended in 1961, to its*  
23 *intersection with the easterly line of Townsend Street along*  
24 *a line that is parallel and distant 10 feet southerly from*  
25 *the existing southern boundary of Pier 40 produced to its*  
26 *point of intersection with the United States Government*

1 pier-head line; thence northerly along said pier-head line  
 2 to its intersection with a line parallel with, and distant  
 3 10 feet easterly from, the existing easterly boundary line  
 4 of Pier 30–32; thence northerly along said parallel line and  
 5 its northerly prolongation, to a point of intersection with  
 6 a line parallel with, and distant 10 feet northerly from,  
 7 the existing northerly boundary of Pier 30–32, thence west-  
 8 erly along last said parallel line to its intersection with  
 9 the United States Government pier-head line; to the north-  
 10 westerly line of Bryant Street produced northwesterly;  
 11 thence southwesterly along said northwesterly line of Bry-  
 12 ant Street produced to the point of beginning.

13       (c) *REQUIREMENT THAT AREA BE IMPROVED.*—The  
 14 declaration of nonnavigability under subsection (a) applies  
 15 only to those parts of the area described in subsection (b)  
 16 that are or will be bulkheaded, filled, or otherwise occupied  
 17 by permanent structures and does not affect the applica-  
 18 bility of any Federal statute or regulation applicable to  
 19 such parts the day before the date of enactment of this Act,  
 20 including sections 9 and 10 of the Act of March 3, 1899  
 21 (33 U.S.C. 401 and 403; 30 Stat. 1151), commonly known  
 22 as the Rivers and Harbors Appropriation Act of 1899, sec-  
 23 tion 404 of the Federal Water Pollution Control Act (33  
 24 U.S.C. 1344), and the National Environmental Policy Act  
 25 of 1969 (42 U.S.C. 4321 et seq.).

1       (d) *EXPIRATION DATE.*—If, 20 years from the date of  
 2   enactment of this Act, any area or part thereof described  
 3   in subsection (b) is not bulkheaded or filled or occupied by  
 4   permanent structures, including marina facilities, in ac-  
 5   cordance with the requirements set out in subsection (c),  
 6   or if work in connection with any activity permitted in  
 7   subsection (c) is not commenced within 5 years after  
 8   issuance of such permits, then the declaration of nonnaviga-  
 9   bility for such area or part thereof shall expire.

10   **SEC. 5052. SAN PABLO BAY, CALIFORNIA, WATERSHED AND**  
 11                   **SUISUN MARSH ECOSYSTEM RESTORATION.**

12       (a) *SAN PABLO BAY WATERSHED, CALIFORNIA.*—

13           (1) *IN GENERAL.*—The Secretary shall complete  
 14   work, as expeditiously as possible, on the ongoing San  
 15   Pablo Bay watershed, California, study to determine  
 16   the feasibility of opportunities for restoring, pre-  
 17   serving and protecting the San Pablo Bay watershed.

18           (2) *REPORT.*—Not later than March 31, 2008,  
 19   the Secretary shall submit to Congress a report on the  
 20   results of the study.

21       (b) *SUISUN MARSH, CALIFORNIA.*—The Secretary shall  
 22   conduct a comprehensive study to determine the feasibility  
 23   of opportunities for restoring, preserving and protecting the  
 24   Suisun Marsh, California.

1       (c) *SAN PABLO AND SUISUN BAY MARSH WATERSHED*  
 2   *CRITICAL RESTORATION PROJECTS.*—

3           (1) *IN GENERAL.*—*The Secretary may partici-*  
 4       *pate in critical restoration projects that will produce,*  
 5       *consistent with Federal programs, projects, and ac-*  
 6       *tivities, immediate and substantial ecosystem restora-*  
 7       *tion, preservation, and protection benefits in the fol-*  
 8       *lowing sub-watersheds of the San Pablo and Suisun*  
 9       *Bay Marsh watersheds:*

10           (A) *The tidal areas of the Petaluma River,*  
 11       *Napa-Sonoma Marsh.*

12           (B) *The shoreline of West Contra Costa*  
 13       *County.*

14           (C) *Novato Creek.*

15           (D) *Suisun Marsh.*

16           (E) *Gallinas-Miller Creek.*

17           (2) *TYPES OF ASSISTANCE.*—*Participation in*  
 18       *critical restoration projects under this subsection may*  
 19       *include assistance for planning, design, or construc-*  
 20       *tion.*

21       (d) *NON-FEDERAL INTERESTS.*—*Notwithstanding sec-*  
 22       *tion 221(b) of the Flood Control Act of 1970 (42 U.S.C.*  
 23       *1962d–5b(b)), a non-Federal interest may include for any*  
 24       *project undertaken under this section a nonprofit entity*  
 25       *with the consent of the affected local government.*

1       (e) *CREDIT.*—*The Secretary shall credit toward the*  
2 *non-Federal share of the cost of construction of a project*  
3 *under this section—*

4           (1) *the value of any lands, easements, rights-of-*  
5 *way, dredged material disposal areas, or relocations*  
6 *provided by the non-Federal interest for carrying out*  
7 *the project, regardless of the date of acquisition;*

8           (2) *funds received from the CALFED Bay-Delta*  
9 *program; and*

10          (3) *the cost of the studies, design, and construc-*  
11 *tion work carried out by the non-Federal interest be-*  
12 *fore the date of execution of a partnership agreement*  
13 *for the project if the Secretary determines that the*  
14 *work is integral to the project.*

15       (f) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*  
16 *authorized to be appropriated to carry out this section*  
17 *\$40,000,000.*

18 **SEC. 5053. STOCKTON, CALIFORNIA.**

19       (a) *REEVALUATION.*—*The Secretary shall reevaluate*  
20 *the feasibility of the Lower Mosher Slough element and the*  
21 *levee extensions on the Upper Calaveras River element of*  
22 *the project for flood control, Stockton Metropolitan Area,*  
23 *California, carried out under section 211(f)(3) of the Water*  
24 *Resources Development Act of 1996 (110 Stat. 3683), to de-*

1 *terminate the eligibility of such elements for reimbursement*  
 2 *under section 211 of such Act (33 U.S.C. 701b–13).*

3 (b) *SPECIAL RULES FOR REEVALUATION.*—*In con-*  
 4 *ducting the reevaluation under subsection (a), the Secretary*  
 5 *shall not reject a feasibility determination based on one or*  
 6 *more of the policies of the Corps of Engineers concerning*  
 7 *the frequency of flooding, the drainage area, and the*  
 8 *amount of runoff.*

9 (c) *REIMBURSEMENT.*—*If the Secretary determines*  
 10 *that the elements referred to subsection (a) are feasible, the*  
 11 *Secretary shall reimburse, subject to appropriations, the*  
 12 *non-Federal interest under section 211 of the Water Re-*  
 13 *sources Development Act of 1996 for the Federal share of*  
 14 *the cost of such elements.*

15 **SEC. 5054. CHARLES HERVEY TOWNSHEND BREAKWATER,**  
 16 **NEW HAVEN HARBOR, CONNECTICUT.**

17 (a) *DESIGNATION.*—*The western breakwater for the*  
 18 *project for navigation, New Haven Harbor, Connecticut,*  
 19 *authorized by the first section of the Act of September 19,*  
 20 *1890 (26 Stat. 426), shall be known and designated as the*  
 21 *“Charles Hervey Townshend Breakwater”.*

22 (b) *REFERENCES.*—*Any reference in a law, map, regu-*  
 23 *lation, document, paper, or other record of the United*  
 24 *States to the breakwater referred to in subsection (a) shall*



1 *be deemed to be a reference to the “Charles Hervey*  
 2 *Townshend Breakwater”.*

3 **SEC. 5055. FLORIDA KEYS WATER QUALITY IMPROVEMENTS.**

4 *Section 109 of the Miscellaneous Appropriations Act,*  
 5 *2001 (enacted into law by Public Law 106–554) (114 Stat.*  
 6 *2763A–222) is amended—*

7 *(1) by adding at the end of subsection (e)(2) the*  
 8 *following:*

9 *“(C) CREDIT FOR WORK PRIOR TO EXECU-*  
 10 *TION OF THE PARTNERSHIP AGREEMENT.—The*  
 11 *Secretary shall credit toward the non-Federal*  
 12 *share of the cost of the project—*

13 *“(i) the cost of construction work car-*  
 14 *ried out by the non-Federal interest before*  
 15 *the date of the partnership agreement for*  
 16 *the project if the Secretary determines that*  
 17 *the work is integral to the project; and*

18 *“(ii) the cost of land acquisition car-*  
 19 *ried out by the non-Federal interest for*  
 20 *projects to be carried out under this sec-*  
 21 *tion.”; and*

22 *(2) in subsection (f) by striking “\$100,000,000”*  
 23 *and inserting “\$100,000,000, of which not more than*  
 24 *\$15,000,000 may be used to provide planning, design,*  
 25 *and construction assistance to the Florida Keys Aque-*

1        *duct Authority for a water treatment plant, Florida*  
 2        *City, Florida”.*

3    **SEC. 5056. LAKE WORTH, FLORIDA.**

4        *The Secretary may carry out necessary repairs for the*  
 5        *Lake Worth bulkhead replacement project, West Palm*  
 6        *Beach, Florida, at an estimated total cost of \$9,000,000.*

7    **SEC. 5057. RILEY CREEK RECREATION AREA, IDAHO.**

8        *The Secretary is authorized to carry out the Riley*  
 9        *Creek Recreation Area Operation Plan of the Albeni Falls*  
 10       *Management Plan, dated October 2001, for the Riley Creek*  
 11       *Recreation Area, Albeni Falls Dam, Bonner County, Idaho.*

12    **SEC. 5058. RECONSTRUCTION OF ILLINOIS FLOOD PROTEC-**  
 13                                    **TION PROJECTS.**

14        *(a) IN GENERAL.—The Secretary may participate in*  
 15        *the reconstruction of an eligible flood control project if the*  
 16        *Secretary determines that such reconstruction is not re-*  
 17        *quired as a result of improper operation and maintenance*  
 18        *of the project by the non-Federal interest.*

19        *(b) COST SHARING.—The non-Federal share of the*  
 20        *costs for the reconstruction of a flood control project author-*  
 21        *ized by this section shall be the same non-Federal share that*  
 22        *was applicable to construction of the project. The non-Fed-*  
 23        *eral interest shall be responsible for operation and mainte-*  
 24        *nance and repair of a project for which reconstruction is*  
 25        *undertaken under this section.*

1       (c) *RECONSTRUCTION DEFINED.*—*In this section, the*  
2 *term “reconstruction”, as used with respect to a project,*  
3 *means addressing major project deficiencies caused by long-*  
4 *term degradation of the foundation, construction materials,*  
5 *or engineering systems or components of the project, the re-*  
6 *sults of which render the project at risk of not performing*  
7 *in compliance with its authorized project purposes. In ad-*  
8 *dresssing such deficiencies, the Secretary may incorporate*  
9 *current design standards and efficiency improvements, in-*  
10 *cluding the replacement of obsolete mechanical and elec-*  
11 *trical components at pumping stations, if such incorpora-*  
12 *tion does not significantly change the scope, function, and*  
13 *purpose of the project as authorized.*

14       (d) *ELIGIBLE PROJECTS.*—*The following flood control*  
15 *projects are eligible for reconstruction under this section:*

16               (1) *Clear Creek Drainage and Levee District, Il-*  
17 *linois.*

18               (2) *Fort Chartres and Ivy Landing Drainage*  
19 *District, Illinois.*

20               (3) *Cairo, Illinois Mainline Levee, Cairo, Illi-*  
21 *nois.*

22               (4) *Goose Pond Pump Station, Cairo, Illinois.*

23               (5) *Cottonwood Slough Pump Station, Alexander*  
24 *County, Illinois.*

1           (6) *10th and 28th Street Pump Stations, Cairo,*  
2       *Illinois.*

3           (7) *Prairie Du Pont Levee and Sanitary Dis-*  
4       *trict, including Fish Lake Drainage and Levee Dis-*  
5       *trict, Illinois.*

6           (8) *Flood control levee projects in Brookport,*  
7       *Shawneetown, Old Shawneetown, Golconda,*  
8       *Rosiclare, Harrisburg, and Reevesville, Illinois.*

9       (e) *JUSTIFICATION.—The reconstruction of a project*  
10   *authorized by this section shall not be considered a sepa-*  
11   *rable element of the project.*

12       (f) *AUTHORIZATION OF APPROPRIATIONS.—There is*  
13   *authorized to be appropriated—*

14           (1) *\$15,000,000 to carry out the projects de-*  
15       *scribed in paragraphs (1) through (7) of subsection*  
16       *(d); and*

17           (2) *\$15,000,000 to carry out the projects de-*  
18       *scribed in subsection (d)(8).*

19   *Such sums shall remain available until expended.*

20   **SEC. 5059. ILLINOIS RIVER BASIN RESTORATION.**

21       (a) *EXTENSION OF AUTHORIZATION.—Section*  
22   *519(c)(2) of the Water Resources Development Act of 2000*  
23   *(114 Stat. 2654) is amended by striking “2004” and insert-*  
24   *ing “2010”.*

1       (b) *IN-KIND SERVICES*.—Section 519(g)(3) of such Act  
 2       (114 Stat. 2655) is amended by inserting before the period  
 3       at the end of the first sentence “if such services are provided  
 4       not more than 5 years before the date of initiation of the  
 5       project or activity”.

6       (c) *NONPROFIT ENTITIES AND MONITORING*.—Section  
 7       519 of such Act (114 Stat. 2654) is amended by adding  
 8       at the end the following:

9       “(h) *NONPROFIT ENTITIES*.—Notwithstanding section  
 10       221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–  
 11       5b(b)), a non-Federal interest may include for any project  
 12       undertaken under this section a nonprofit entity, with the  
 13       consent of the affected local government.

14       “(i) *MONITORING*.—The Secretary shall develop an Il-  
 15       linois river basin monitoring program to support the plan  
 16       referred to in subsection (b). Data collected under the moni-  
 17       toring program shall incorporate data provided by the  
 18       State of Illinois and shall be publicly accessible through  
 19       electronic means.”.

20       **SEC. 5060. KASKASKIA RIVER BASIN, ILLINOIS, RESTORA-**  
 21       **TION.**

22       (a) *KASKASKIA RIVER BASIN DEFINED*.—In this sec-  
 23       tion, the term “Kaskaskia River Basin” means the  
 24       Kaskaskia River, Illinois, its backwaters, its side channels,

1 *and all tributaries, including their watersheds, draining*  
2 *into the Kaskaskia River.*

3 *(b) COMPREHENSIVE PLAN.—*

4 *(1) DEVELOPMENT.—The Secretary shall de-*  
5 *velop, as expeditiously as practicable, a comprehen-*  
6 *sive plan for the purpose of restoring, preserving, and*  
7 *protecting the Kaskaskia River Basin.*

8 *(2) TECHNOLOGIES AND INNOVATIVE AP-*  
9 *PROACHES.—The comprehensive plan shall provide*  
10 *for the development of new technologies and innova-*  
11 *tive approaches—*

12 *(A) to enhance the Kaskaskia River as a*  
13 *transportation corridor;*

14 *(B) to improve water quality within the en-*  
15 *tire Kaskaskia River Basin;*

16 *(C) to restore, enhance, and preserve habitat*  
17 *for plants and wildlife;*

18 *(D) to ensure aquatic integrity of*  
19 *sidechannels and backwaters and their*  
20 *connectivity with the mainstem river;*

21 *(E) to increase economic opportunity for*  
22 *agriculture and business communities; and*

23 *(F) to reduce the impacts of flooding to*  
24 *communities and landowners.*

1           (3) *SPECIFIC COMPONENTS.*—*The comprehensive*  
2       *plan shall include such features as are necessary to*  
3       *provide for—*

4                     (A) *the development and implementation of*  
5       *a program for sediment removal technology, sedi-*  
6       *ment characterization, sediment transport, and*  
7       *beneficial uses of sediment;*

8                     (B) *the development and implementation of*  
9       *a program for the planning, conservation, eval-*  
10      *uation, and construction of measures for fish and*  
11      *wildlife habitat conservation and rehabilitation,*  
12      *and stabilization and enhancement of land and*  
13      *water resources in the basin;*

14                    (C) *the development and implementation of*  
15      *a long-term resource monitoring program;*

16                    (D) *a conveyance study of the Kaskaskia*  
17      *River floodplain from Vandalia, Illinois, to*  
18      *Carlyle Lake to determine the impacts of existing*  
19      *and future waterfowl improvements on flood*  
20      *stages, including detailed surveys and mapping*  
21      *information to ensure proper hydraulic and*  
22      *hydrological analysis;*

23                    (E) *the development and implementation of*  
24      *a computerized inventory and analysis system;*  
25      *and*

1           (F) the development and implementation of  
2           a systemic plan to reduce flood impacts by  
3           means of ecosystem restoration projects.

4           (4) CONSULTATION.—The comprehensive plan  
5           shall be developed by the Secretary in consultation  
6           with appropriate Federal agencies, the State of Illi-  
7           nois, and the Kaskaskia River Watershed Association.

8           (5) REPORT TO CONGRESS.—Not later than 2  
9           years after the date of enactment of this Act, the Sec-  
10          retary shall transmit to Congress a report containing  
11          the comprehensive plan.

12          (6) ADDITIONAL STUDIES AND ANALYSES.—After  
13          transmission of a report under paragraph (5), the  
14          Secretary shall conduct studies and analyses of  
15          projects related to the comprehensive plan that are  
16          appropriate and consistent with this subsection.

17          (c) GENERAL PROVISIONS.—

18               (1) WATER QUALITY.—In carrying out activities  
19               under this section, the Secretary's recommendations  
20               shall be consistent with applicable State water quality  
21               standards.

22               (2) PUBLIC PARTICIPATION.—In developing the  
23               comprehensive plan under subsection (b), the Sec-  
24               retary shall implement procedures to facilitate public  
25               participation, including providing advance notice of



1        *meetings, providing adequate opportunity for public*  
2        *input and comment, maintaining appropriate*  
3        *records, and making a record of the proceedings of*  
4        *meetings available for public inspection.*

5        *(d) CRITICAL PROJECTS AND INITIATIVES.—If the Sec-*  
6        *retary, in cooperation with appropriate Federal agencies*  
7        *and the State of Illinois, determines that a project or initia-*  
8        *tive for the Kaskaskia River Basin will produce inde-*  
9        *pendent, immediate, and substantial benefits, the Secretary*  
10       *may proceed expeditiously with the implementation of the*  
11       *project.*

12       *(e) COORDINATION.—The Secretary shall integrate ac-*  
13       *tivities carried out under this section with ongoing Federal*  
14       *and State programs, projects, and activities, including the*  
15       *following:*

16            *(1) Farm programs of the Department of Agri-*  
17        *culture.*

18            *(2) Conservation Reserve Enhancement Program*  
19        *(State of Illinois) and Conservation 2000 Ecosystem*  
20        *Program of the Illinois Department of Natural Re-*  
21        *sources.*

22            *(3) Conservation 2000 Conservation Practices*  
23        *Program and the Livestock Management Facilities*  
24        *Act administered by the Illinois Department of Agri-*  
25        *culture.*

1           (4) *National Buffer Initiative of the Natural Re-*  
 2           *sources Conservation Service.*

3           (5) *Nonpoint source grant program administered*  
 4           *by the Illinois Environmental Protection Agency.*

5           (6) *Other programs that may be developed by the*  
 6           *State of Illinois or the Federal Government, or that*  
 7           *are carried out by non-profit organizations, to carry*  
 8           *out the objectives of the Kaskaskia River Basin Com-*  
 9           *prehensive Plan.*

10          (f) *IN-KIND SERVICES.—The Secretary may credit the*  
 11          *cost of in-kind services provided by the non-Federal interest*  
 12          *for an activity carried out under this section toward not*  
 13          *more than 80 percent of the non-Federal share of the cost*  
 14          *of the activity. In-kind services shall include all State funds*  
 15          *expended on programs that accomplish the goals of this sec-*  
 16          *tion, as determined by the Secretary. The programs may*  
 17          *include the Kaskaskia River Conservation Reserve Pro-*  
 18          *gram, the Illinois Conservation 2000 Program, the Open*  
 19          *Lands Trust Fund, and other appropriate programs carried*  
 20          *out in the Kaskaskia River Basin.*

21          **SEC. 5061. FLOODPLAIN MAPPING, LITTLE CALUMET RIVER,**  
 22                                   **CHICAGO, ILLINOIS.**

23          (a) *IN GENERAL.—The Secretary shall provide assist-*  
 24          *ance for a project to develop maps identifying 100- and*

1 500-year flood inundation areas along the Little Calumet  
2 River, Chicago, Illinois.

3 (b) *REQUIREMENTS.*—Maps developed under the  
4 project shall include hydrologic and hydraulic information  
5 and shall accurately show the flood inundation of each  
6 property by flood risk in the floodplain. The maps shall  
7 be produced in a high resolution format and shall be made  
8 available to all flood prone areas along the Little Calumet  
9 River, Chicago, Illinois, in an electronic format.

10 (c) *PARTICIPATION OF FEMA.*—The Secretary and the  
11 non-Federal interests for the project shall work with the Di-  
12 rector of the Federal Emergency Management Agency to en-  
13 sure the validity of the maps developed under the project  
14 for flood insurance purposes.

15 (d) *FORMS OF ASSISTANCE.*—In carrying out the  
16 project, the Secretary may enter into contracts or coopera-  
17 tive agreements with the non-Federal interests or provide  
18 reimbursements of project costs.

19 (e) *FEDERAL SHARE.*—The Federal share of the cost  
20 of the project shall be 50 percent.

21 (f) *AUTHORIZATION OF APPROPRIATIONS.*—There is  
22 authorized to be appropriated to carry out this section  
23 \$2,000,000.

24 **SEC. 5062. PROMONTORY POINT, LAKE MICHIGAN, ILLINOIS.**

25 (a) *REVIEW.*—

1           (1) *IN GENERAL.*—*The Secretary may carry out*  
 2           *a third-party review of the Promontory Point project*  
 3           *along the Chicago Shoreline, Chicago, Illinois, at a*  
 4           *cost not to exceed \$450,000.*

5           (2) *JOINT REVIEW.*—*The Buffalo and Seattle*  
 6           *districts of the Corps of Engineers shall jointly con-*  
 7           *duct the review.*

8           (3) *STANDARDS.*—*The review shall be based on*  
 9           *the standards under part 68 of title 36, Code of Fed-*  
 10          *eral Regulations, for implementation by the non-Fed-*  
 11          *eral sponsor for the Chicago Shoreline, Chicago, Illi-*  
 12          *nois, project.*

13          (b) *CONTRIBUTIONS.*—*The Secretary shall accept from*  
 14          *a State or political subdivision of a State voluntarily con-*  
 15          *tributed funds to initiate the third-party review under sub-*  
 16          *section (a).*

17          (c) *EFFECT OF SECTION.*—*Nothing in this section af-*  
 18          *fects the authorization for the project for the Chicago Shore-*  
 19          *line, Chicago, Illinois.*

20       **SEC. 5063. BURNS WATERWAY HARBOR, INDIANA.**

21           *The Secretary shall conduct a study of shoaling in the*  
 22           *vicinity of Burns Waterway Harbor, Indiana, to determine*  
 23           *if the shoaling is the result of a Federal navigation project,*  
 24           *and, if the Secretary determines that the shoaling is the*  
 25           *result of a Federal navigation project, the Secretary shall*

1 *carry out a project to mitigate the shoaling under section*  
 2 *111 of the River and Harbor Act of 1968 (33 U.S.C. 426).*

3 **SEC. 5064. CALUMET REGION, INDIANA.**

4 *Section 219(f)(12) of the Water Resources Development*  
 5 *Act of 1992 (113 Stat. 335; 117 Stat. 1843) is amended—*

6 *(1) by striking “\$30,000,000” and inserting the*  
 7 *following:*

8 *“(A) IN GENERAL.—\$100,000,000”;*

9 *(2) by adding at the end the following:*

10 *“(B) CREDIT.—The Secretary shall credit*  
 11 *toward the non-Federal share of the cost of the*  
 12 *project the cost of planning and design work car-*  
 13 *ried out by the non-Federal interest before, on, or*  
 14 *after the date of the partnership agreement for*  
 15 *the project if the Secretary determines that the*  
 16 *work is integral to the project.”; and*

17 *(3) by aligning the remainder of the text of sub-*  
 18 *paragraph (A) (as designated by paragraph (1) of*  
 19 *this section) with subparagraph (B) (as added by*  
 20 *paragraph (2) of this section).*

21 **SEC. 5065. PADUCAH, KENTUCKY.**

22 *The Secretary shall complete a feasibility report for*  
 23 *rehabilitation of the project for flood damage reduction, Pa-*  
 24 *ducah, Kentucky, and, if the Secretary determines that the*

1 *project is feasible, the Secretary shall carry out the project*  
 2 *at a total cost of \$3,000,000.*

3 **SEC. 5066. SOUTHERN AND EASTERN KENTUCKY.**

4 *Section 531 of the Water Resources Development Act*  
 5 *of 1996 (110 Stat. 3773; 113 Stat. 348; 117 Stat. 142) is*  
 6 *amended by adding the following:*

7 *“(i) CORPS OF ENGINEERS EXPENSES.—Ten percent*  
 8 *of the amounts appropriated to carry out this section may*  
 9 *be used by the Corps of Engineers district offices to admin-*  
 10 *ister projects under this section at Federal expense.”.*

11 **SEC. 5067. WINCHESTER, KENTUCKY.**

12 *Section 219(c) of the Water Resources Development Act*  
 13 *of 1992 (106 Stat. 4835; 114 Stat. 2763A–219) is amended*  
 14 *by adding at the end the following:*

15 *“(41) WINCHESTER, KENTUCKY.—Wastewater*  
 16 *infrastructure, Winchester, Kentucky.”.*

17 **SEC. 5068. BATON ROUGE, LOUISIANA.**

18 *Section 219(f)(21) of the Water Resources Development*  
 19 *Act of 1992 (113 Stat. 336; 114 Stat. 2763A–220) is*  
 20 *amended by striking “\$20,000,000” and inserting*  
 21 *“\$35,000,000”.*

22 **SEC. 5069. CALCASIEU SHIP CHANNEL, LOUISIANA.**

23 *The Secretary shall expedite completion of a dredged*  
 24 *material management plan for the Calcasieu Ship Channel,*  
 25 *Louisiana, and may take interim measures to increase the*

1 *capacity of existing disposal areas, or to construct new con-*  
 2 *lined or beneficial use disposal areas, for the channel.*

3 **SEC. 5070. CROSS LAKE, SHREVEPORT, LOUISIANA.**

4 *The Secretary may accept from the Department of the*  
 5 *Air Force, and may use, not to exceed \$4,500,000 to assist*  
 6 *the city of Shreveport, Louisiana, with its plan to construct*  
 7 *a water intake facility.*

8 **SEC. 5071. WEST BATON ROUGE PARISH, LOUISIANA.**

9 *(a) MODIFICATION OF STUDY.—The study for water-*  
 10 *front and riverine preservation, restoration, and enhance-*  
 11 *ment, Mississippi River, West Baton Rouge Parish, Lou-*  
 12 *isiana, being carried out under Committee Resolution 2570*  
 13 *of the Committee on Transportation and Infrastructure of*  
 14 *the House of Representatives adopted July 23, 1998, is*  
 15 *modified—*

16 *(1) to add West Feliciana Parish and East*  
 17 *Baton Rouge Parish to the geographic scope of the*  
 18 *study; and*

19 *(2) to direct the Secretary to credit toward the*  
 20 *non-Federal share the cost of the study and the non-*  
 21 *Federal share of the cost of any project authorized by*  
 22 *law as a result of the study the cost of work carried*  
 23 *out by the non-Federal interest before the date of the*  
 24 *partnership agreement for the project if the Secretary*

1        *determines that the work is integral to the study or*  
2        *project, as the case may be.*

3        (b) *EXPEDITED CONSIDERATION.*—Section 517(5) of  
4        *the Water Resources Development Act of 1999 (113 Stat.*  
5        *345) is amended to read as follows:*

6                *“(5) Mississippi River, West Baton Rouge, West*  
7        *Feliciania, and East Baton Rouge Parishes, Lou-*  
8        *isiana, project for waterfront and riverine preserva-*  
9        *tion, restoration, and enhancement modifications.”.*

10    **SEC. 5072. CHARLESTOWN, MARYLAND.**

11        (a) *IN GENERAL.*—The Secretary may carry out a  
12        *project for nonstructural flood damage reduction and eco-*  
13        *system restoration at Charlestown, Maryland.*

14        (b) *LAND ACQUISITION.*—The flood damage reduction  
15        *component of the project may include the acquisition of pri-*  
16        *vate property from willing sellers.*

17        (c) *JUSTIFICATION.*—Any nonstructural flood damage  
18        *reduction project to be carried out under this section that*  
19        *will result in the conversion of property to use for ecosystem*  
20        *restoration and wildlife habitat shall be justified based on*  
21        *national ecosystem restoration benefits.*

22        (d) *USE OF ACQUIRED PROPERTY.*—Property ac-  
23        *quired under this section shall be maintained in public*  
24        *ownership for ecosystem restoration and wildlife habitat.*



1       (e) *ABILITY TO PAY.*—*In determining the appropriate*  
2 *non-Federal cost share for the project, the Secretary shall*  
3 *determine the ability of Cecil County, Maryland, to partici-*  
4 *pate as a cost-sharing non-Federal interest in accordance*  
5 *with section 103(m) of the Water Resources Development*  
6 *Act of 1986 (33 U.S.C. 2213(m)).*

7       (f) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*  
8 *authorized to be appropriated \$2,000,000 to carry out this*  
9 *section.*

10 **SEC. 5073. ANACOSTIA RIVER, DISTRICT OF COLUMBIA AND**  
11 **MARYLAND.**

12       (a) *COMPREHENSIVE ACTION PLAN.*—*Not later than*  
13 *one year after the date of enactment of this Act, the Sec-*  
14 *retary, in coordination with the Mayor of the District of*  
15 *Columbia, the Governor of Maryland, the county executives*  
16 *of Montgomery County and Prince George’s County, Mary-*  
17 *land, and other interested entities, shall develop and make*  
18 *available to the public a 10-year comprehensive action plan*  
19 *to provide for the restoration and protection of the ecological*  
20 *integrity of the Anacostia River and its tributaries.*

21       (b) *PUBLIC AVAILABILITY.*—*On completion of the com-*  
22 *prehensive action plan under subsection (a), the Secretary*  
23 *shall make the plan available to the public, including on*  
24 *the Internet.*

1 **SEC. 5074. DELMARVA CONSERVATION CORRIDOR, DELA-**  
2 **WARE AND MARYLAND.**

3 (a) *ASSISTANCE.*—*The Secretary may provide tech-*  
4 *nical assistance to the Secretary of Agriculture for use in*  
5 *carrying out the Conservation Corridor Demonstration Pro-*  
6 *gram established under subtitle G of title II of the Farm*  
7 *Security and Rural Investment Act of 2002 (16 U.S.C. 3801*  
8 *note; 116 Stat. 275).*

9 (b) *COORDINATION AND INTEGRATION.*—*In carrying*  
10 *out water resources projects in Delaware and Maryland on*  
11 *the Delmarva Peninsula, the Secretary shall coordinate and*  
12 *integrate those projects, to the maximum extent practicable,*  
13 *with any activities carried out to implement a conservation*  
14 *corridor plan approved by the Secretary of Agriculture*  
15 *under section 2602 of the Farm Security and Rural Invest-*  
16 *ment Act of 2002 (16 U.S.C. 3801 note; 116 Stat. 275).*

17 **SEC. 5075. MASSACHUSETTS DREDGED MATERIAL DIS-**  
18 **POSAL SITES.**

19 *The Secretary may cooperate with Massachusetts in*  
20 *the management and long-term monitoring of aquatic*  
21 *dredged material disposal sites within the State, and is au-*  
22 *thorized to accept funds from the State to carry out such*  
23 *activities.*

24 **SEC. 5076. ONTONAGON HARBOR, MICHIGAN.**

25 *The Secretary shall conduct a study of shore damage*  
26 *in the vicinity of the project for navigation, Ontonagon*

1 Harbor, Ontonagon County, Michigan, authorized by sec-  
 2 tion 101 of the Rivers and Harbors Act of 1962 (76 Stat.  
 3 1176, 100 Stat. 4213, 110 Stat. 3730), to determine if the  
 4 damage is the result of a Federal navigation project, and,  
 5 if the Secretary determines that the damage is the result  
 6 of a Federal navigation project, the Secretary shall carry  
 7 out a project to mitigate the damage under section 111 of  
 8 the River and Harbor Act of 1968 (33 U.S.C. 426i).

9 **SEC. 5077. CROOKSTON, MINNESOTA.**

10 The Secretary shall conduct a study for a project for  
 11 emergency streambank protection along the Red Lake River  
 12 in Crookston, Minnesota, and, if the Secretary determines  
 13 that the project is feasible, the Secretary may carry out the  
 14 project under section 14 of the Flood Control Act of 1946  
 15 (33 U.S.C. 701r); except that the maximum amount of Fed-  
 16 eral funds that may be expended for the project shall be  
 17 \$6,500,000.

18 **SEC. 5078. GARRISON AND KATHIO TOWNSHIP, MINNESOTA.**

19 (a) *PROJECT DESCRIPTION*.—Section 219(f)(61) of the  
 20 Water Resources Development Act of 1992 (114 Stat.  
 21 2763A–221) is amended—

22 (1) in the paragraph heading by striking “AND  
 23 KATHIO TOWNSHIP” and inserting “, CROW WING  
 24 COUNTY, MILLE LACS COUNTY, MILLE LACS INDIAN  
 25 RESERVATION, AND KATHIO TOWNSHIP”;

1           (2) *by striking “\$11,000,000” and inserting*  
 2           *“\$17,000,000”;*

3           (3) *by inserting “, Crow Wing County, Mille*  
 4           *Lacs County, Mille Lacs Indian Reservation (10 Stat.*  
 5           *1165),” after “Garrison”; and*

6           (4) *by adding at the end the following: “Such as-*  
 7           *sistance shall be provided directly to the Garrison-*  
 8           *Kathio-West Mille Lacs Lake Sanitary District, Min-*  
 9           *nesota, except for assistance provided directly to the*  
 10          *Mille Lacs Band of Ojibwe at the discretion of the*  
 11          *Secretary.”.*

12          (b) *PROCEDURES.—In carrying out the project author-*  
 13          *ized by such section 219(f)(61), the Secretary may use the*  
 14          *cost sharing and contracting procedures available to the*  
 15          *Secretary under section 569 of the Water Resources Devel-*  
 16          *opment Act of 1999 (113 Stat. 368).*

17       **SEC. 5079. ITASCA COUNTY, MINNESOTA.**

18          *The Secretary shall carry out a project for flood dam-*  
 19          *age reduction, Trout Lake and Canisteo Pit, Itasca County,*  
 20          *Minnesota, irrespective of normal policy considerations.*

21       **SEC. 5080. MINNEAPOLIS, MINNESOTA.**

22          (a) *CONVEYANCE.—The Secretary shall convey to the*  
 23          *city of Minneapolis by quitclaim deed and without consid-*  
 24          *eration all right, title, and interest of the United States to*

1 *the property known as the War Department (Fort Snelling*  
 2 *Interceptor) Tunnel in Minneapolis, Minnesota.*

3 *(b) APPLICABILITY OF PROPERTY SCREENING PROVI-*  
 4 *SIONS.—Section 2696 of title 10, United States Code, shall*  
 5 *not apply to the conveyance under this section.*

6 **SEC. 5081. NORTHEASTERN MINNESOTA.**

7 *(a) IN GENERAL.—Section 569 of the Water Resources*  
 8 *Development Act of 1999 (113 Stat. 368) is amended—*

9 *(1) in subsection (a) by striking “Benton,*  
 10 *Sherburne,” and inserting “Beltrami, Hubbard,*  
 11 *Wadena,”;*

12 *(2) by striking the last sentence of subsection*  
 13 *(e)(3)(B);*

14 *(3) by striking subsection (g) and inserting the*  
 15 *following:*

16 *“(g) NONPROFIT ENTITIES.—Notwithstanding section*  
 17 *221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–*  
 18 *5b(b)), a non-Federal interest may include for any project*  
 19 *undertaken under this section a nonprofit entity.”;*

20 *(4) in subsection (h) by striking “\$40,000,000”*  
 21 *and inserting “\$54,000,000”; and*

22 *(5) by adding at the end the following:*

23 *“(i) CORPS OF ENGINEERS EXPENSES.—Ten percent*  
 24 *of the amounts appropriated to carry out this section may*

1 *be used by the Corps of Engineers district offices to admin-*  
2 *ister projects under this section at Federal expense.”.*

3       **(b) BIWABIK, MINNESOTA.**—*The Secretary shall reim-*  
4 *burse the non-Federal interest for the project for environ-*  
5 *mental infrastructure, Biwabik, Minnesota, carried out*  
6 *under section 569 of the Water Resources Development Act*  
7 *of 1999 (113 Stat. 368), for planning, design, and construc-*  
8 *tion costs that were incurred by the non-Federal interest*  
9 *with respect to the project before the date of the partnership*  
10 *agreement for the project and that were in excess of the non-*  
11 *Federal share of the cost of the project if the Secretary deter-*  
12 *mines that the costs are appropriate.*

13 **SEC. 5082. WILD RICE RIVER, MINNESOTA.**

14       *The Secretary shall expedite the completion of the gen-*  
15 *eral reevaluation report, authorized by section 438 of the*  
16 *Water Resources Development Act of 2000 (114 Stat. 2640),*  
17 *for the project for flood protection, Wild Rice River, Min-*  
18 *nesota, authorized by section 201 of the Flood Control Act*  
19 *of 1970 (84 Stat. 1825), to develop alternatives to the Twin*  
20 *Valley Lake feature, and upon the completion of such re-*  
21 *port, shall construct the project at a total cost of*  
22 *\$20,000,000.*

1 **SEC. 5083. HARRISON, HANCOCK, AND JACKSON COUNTIES,**  
2 **MISSISSIPPI.**

3 *In carrying out projects for the protection, restoration,*  
4 *and creation of aquatic and ecologically related habitats lo-*  
5 *cated in Harrison, Hancock, and Jackson Counties, Mis-*  
6 *sissippi, under section 204 of the Water Resources Develop-*  
7 *ment Act of 1992 (33 U.S.C. 2326), the Secretary shall ac-*  
8 *cept any portion of the non-Federal share of the cost of the*  
9 *project in the form of in-kind services and materials.*

10 **SEC. 5084. MISSISSIPPI RIVER, MISSOURI AND ILLINOIS.**

11 *As a part of the operation and maintenance of the*  
12 *project for the Mississippi River (Regulating Works), be-*  
13 *tween the Ohio and Missouri Rivers, Missouri and Illinois,*  
14 *authorized by the first section of an Act entitled “Making*  
15 *appropriations for the construction, repair, and preserva-*  
16 *tion of certain public works on rivers and harbors, and for*  
17 *other purposes”, approved June 25, 1910, the Secretary*  
18 *may carry out activities necessary to restore and protect*  
19 *fish and wildlife habitat in the middle Mississippi River*  
20 *system. Such activities may include modification of naviga-*  
21 *tion training structures, modification and creation of side*  
22 *channels, modification and creation of islands, and studies*  
23 *and analysis necessary to apply adaptive management*  
24 *principles in design of future work.*

1 **SEC. 5085. ST. LOUIS, MISSOURI.**

2 *Section 219(f)(32) of the Water Resources Development*  
 3 *Act of 1992 (113 Stat. 337) is amended—*

4 *(1) by striking “project” and inserting*  
 5 *“projects”;*

6 *(2) by striking “\$15,000,000” and inserting*  
 7 *“\$35,000,000”; and*

8 *(3) by inserting “and St. Louis County” before*  
 9 *“, Missouri”.*

10 **SEC. 5086. HACKENSACK MEADOWLANDS AREA, NEW JER-**  
 11 **SEY.**

12 *Section 324 of the Water Resources Development Act*  
 13 *of 1992 (106 Stat. 4849; 110 Stat. 3779) is amended—*

14 *(1) in subsection (a)—*

15 *(A) by striking “design” and inserting*  
 16 *“planning, design,”; and*

17 *(B) by striking “Hackensack Meadowlands*  
 18 *Development” and all that follows through “Plan*  
 19 *for” and inserting “New Jersey Meadowlands*  
 20 *Commission for the development of an environ-*  
 21 *mental improvement program for”;*

22 *(2) in subsection (b)—*

23 *(A) in the subsection heading by striking*  
 24 *“REQUIRED”;*

25 *(B) by striking “shall” and inserting*  
 26 *“may”;*



1                   (C) by striking paragraph (1) and inserting  
2                   the following:

3                   “(1) Restoration and acquisitions of significant  
4                   wetlands and aquatic habitat that contribute to the  
5                   Meadowlands ecosystem.”;

6                   (D) in paragraph (2) by inserting “and  
7                   aquatic habitat” before the period at the end;  
8                   and

9                   (E) by striking paragraph (7) and inserting  
10                  the following:

11                  “(7) Research, development, and implementation  
12                  for a water quality improvement program, including  
13                  restoration of hydrology and tidal flows and remedi-  
14                  ation of hot spots and other sources of contaminants  
15                  that degrade existing or planned sites.”;

16                  (3) in subsection (c) by inserting before the last  
17                  sentence the following: “The non-Federal sponsor may  
18                  also provide in-kind services, not to exceed the non-  
19                  Federal share of the total project cost, and may also  
20                  receive credit for reasonable cost of design work com-  
21                  pleted prior to entering into the partnership agree-  
22                  ment with the Secretary for a project to be carried  
23                  out under the program developed under subsection  
24                  (a).”; and

1           (4) in subsection (d) by striking “\$5,000,000”  
 2           and inserting “\$35,000,000”.

3 **SEC. 5087. ATLANTIC COAST OF NEW YORK.**

4           (a) *DEVELOPMENT OF PROGRAM.*—Section 404(a) of  
 5 the Water Resources Development Act of 1992 (106 Stat.  
 6 4863) is amended—

7           (1) by striking “processes” and inserting “and  
 8 related environmental processes”;

9           (2) by inserting after “Atlantic Coast” the fol-  
 10 lowing: “(and associated back bays)”;

11           (3) by inserting after “actions” the following: “,  
 12 environmental restoration or conservation measures  
 13 for coastal and back bays,”; and

14           (4) by adding at the end the following: “The  
 15 plan for collecting data and monitoring information  
 16 included in such annual report shall be fully coordi-  
 17 nated with and agreed to by appropriate agencies of  
 18 the State of New York.”.

19           (b) *ANNUAL REPORTS.*—Section 404(b) of such Act is  
 20 amended—

21           (1) by striking “INITIAL PLAN.—Not later than  
 22 12 months after the date of the enactment of this Act,  
 23 the” and inserting “ANNUAL REPORTS.—The”;

1           (2) *by striking “initial plan for data collection*  
2           *and monitoring” and inserting “annual report of*  
3           *data collection and monitoring activities”; and*  
4           (3) *by striking the last sentence.*

5           (c) *AUTHORIZATION OF APPROPRIATIONS.—Section*  
6           *404(c) of such Act (113 Stat. 341) is amended by striking*  
7           *“and an additional total of \$2,500,000 for fiscal years*  
8           *thereafter” and inserting “\$2,500,000 for fiscal years 2000*  
9           *through 2004, and \$7,500,000 for fiscal years beginning*  
10          *after September 30, 2004.”.*

11          (d) *TSUNAMI WARNING SYSTEM.—Section 404 of the*  
12          *Water Resources Development Act of 1992 (106 Stat. 4863)*  
13          *is amended by adding at the end the following:*

14          “(d) *TSUNAMI WARNING SYSTEM.—There is author-*  
15          *ized to be appropriated \$800,000 for the Secretary to carry*  
16          *out a project for a tsunami warning system, Atlantic Coast*  
17          *of New York.”.*

18          **SEC. 5088. COLLEGE POINT, NEW YORK CITY, NEW YORK.**

19          *In carrying out section 312 of the Water Resources De-*  
20          *velopment Act of 1990 (104 Stat. 4639), the Secretary shall*  
21          *give priority to work in College Point, New York City, New*  
22          *York.*

1 **SEC. 5089. FLUSHING BAY AND CREEK, NEW YORK CITY,**  
2 **NEW YORK.**

3 *The Secretary shall credit toward the non-Federal*  
4 *share of the cost of the project for ecosystem restoration,*  
5 *Flushing Bay and Creek, New York City, New York, the*  
6 *cost of design and construction work carried out by the non-*  
7 *Federal interest before the date of the partnership agreement*  
8 *for the project if the Secretary determines that the work is*  
9 *integral to the project.*

10 **SEC. 5090. HUDSON RIVER, NEW YORK.**

11 *The Secretary may participate with the State of New*  
12 *York, New York City, and the Hudson River Park Trust*  
13 *in carrying out activities to restore critical marine habitat,*  
14 *improve safety, and protect and rehabilitate critical infra-*  
15 *structure. There is authorized to be appropriated*  
16 *\$5,000,000 to carry out this section.*

17 **SEC. 5091. MOUNT MORRIS DAM, NEW YORK.**

18 *As part of the operation and maintenance of the Mount*  
19 *Morris Dam, New York, the Secretary may make improve-*  
20 *ments to the access road for the dam to provide safe access*  
21 *to a Federal visitor's center.*

22 **SEC. 5092. JOHN H. KERR DAM AND RESERVOIR, NORTH**  
23 **CAROLINA.**

24 *The Secretary shall expedite the completion of the cal-*  
25 *culations necessary to negotiate and execute a revised, per-*  
26 *manent contract for water supply storage at John H. Kerr*

1 *Dam and Reservoir, North Carolina, among the Secretary*  
 2 *and the Kerr Lake Regional Water System and the city of*  
 3 *Henderson, North Carolina.*

4 **SEC. 5093. STANLY COUNTY, NORTH CAROLINA.**

5 *Section 219(f)(64) of the Water Resources Development*  
 6 *Act of 1992 (114 Stat. 2763A–221) is amended by inserting*  
 7 *“water and” before “wastewater”.*

8 **SEC. 5094. CINCINNATI, OHIO.**

9 *(a) IN GENERAL.—The Secretary is authorized to un-*  
 10 *dertake the ecosystem restoration and recreation compo-*  
 11 *nents of the Central Riverfront Park Master Plan, dated*  
 12 *December 1999, at a total cost of \$25,000,000.*

13 *(b) CREDIT.—The Secretary shall credit toward the*  
 14 *non-Federal share of the cost of the project the cost of plan-*  
 15 *ning, design, and construction work carried out by the non-*  
 16 *Federal interest before the date of the partnership agreement*  
 17 *for the project if the Secretary determines that the work is*  
 18 *integral to the project.*

19 **SEC. 5095. TOUSSAINT RIVER, OHIO.**

20 *(a) IN GENERAL.—The project for navigation, Tous-*  
 21 *saint River, Carroll Township, Ohio, authorized by section*  
 22 *107 of the River and Harbor Act of 1960 (33 U.S.C. 577),*  
 23 *is modified to authorize the Secretary to enter into an*  
 24 *agreement with the non-Federal interest under which the*  
 25 *Secretary may—*

1           (1) *acquire, and transfer to the non-Federal in-*  
 2           *terest, a dredge and associated equipment with the ca-*  
 3           *capacity to perform operation and maintenance of the*  
 4           *project; and*

5           (2) *provide the non-Federal interest with a*  
 6           *lump-sum payment to cover all future costs of oper-*  
 7           *ation and maintenance of the project.*

8           (b) *AGREEMENT.*—*The Secretary may carry out sub-*  
 9           *section (a)(1) by entering into an agreement with the non-*  
 10          *Federal interest under which the non-Federal interest may*  
 11          *acquire the dredge and associated equipment directly and*  
 12          *be reimbursed by the Secretary.*

13          (c) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*  
 14          *authorized to be appropriated \$1,800,000 to carry out this*  
 15          *section. Of such funds, \$500,000 may be used to carry out*  
 16          *subsection (a)(1).*

17          (d) *RELEASE.*—*Upon the acquisition and transfer of*  
 18          *a dredge and associated equipment under subsection (a)(1),*  
 19          *and the payment of funds under subsection (a)(2), all future*  
 20          *Federal responsibility for operation and maintenance of the*  
 21          *project is extinguished.*

22   **SEC. 5096. EUGENE, OREGON.**

23          (a) *IN GENERAL.*—*The Secretary shall conduct a*  
 24          *study to determine the feasibility of restoring the millrace*  
 25          *in Eugene, Oregon, and, if the Secretary determines that*

1 *the restoration is feasible, the Secretary shall carry out the*  
 2 *restoration.*

3 (b) *CONSIDERATION OF NONECONOMIC BENEFITS.—In*  
 4 *determining the feasibility of restoring the millrace, the Sec-*  
 5 *retary shall include noneconomic benefits associated with*  
 6 *the historical significance of the millrace and associated*  
 7 *with preservation and enhancement of resources.*

8 (c) *AUTHORIZATION OF APPROPRIATIONS.—There is*  
 9 *authorized to be appropriated to carry out this section*  
 10 *\$20,000,000.*

11 **SEC. 5097. FERN RIDGE DAM, OREGON.**

12 *The Secretary may treat all work carried out for emer-*  
 13 *gency corrective actions to repair the embankment dam at*  
 14 *the Fern Ridge Lake project, Oregon, as a dam safety*  
 15 *project. The cost of work carried out may be recovered in*  
 16 *accordance with section 1203 of the Water Resources Devel-*  
 17 *opment Act of 1986 (33 U.S.C. 467n; 100 Stat. 4263).*

18 **SEC. 5098. ALLEGHENY COUNTY, PENNSYLVANIA.**

19 *Section 219(f)(66) of the Water Resources Development*  
 20 *Act of 1992 (114 Stat. 2763A–221) is amended—*

21 (1) *by striking “\$20,000,000” and inserting the*  
 22 *following:*

23 “(A) *IN GENERAL.*—\$20,000,000”;

24 (2) *by adding at the end the following:*

1                   “(B) *CREDIT.*—*The Secretary shall credit*  
 2                   *toward the non-Federal share of the cost of the*  
 3                   *project the cost of work carried out by the non-*  
 4                   *Federal interest before the date of the partnership*  
 5                   *agreement for the project if the Secretary deter-*  
 6                   *mines that the work is integral to the project.”;*  
 7                   *and*

8                   *(3) by aligning the remainder of the text of sub-*  
 9                   *paragraph (A) (as designated by paragraph (1) of*  
 10                  *this section) with subparagraph (B) (as added by*  
 11                  *paragraph (2) of this section).*

12 **SEC. 5099. KEHLY RUN DAMS, PENNSYLVANIA.**

13                  *Section 504(a)(2) of the Water Resources Development*  
 14                  *Act of 1999 (113 Stat. 338; 117 Stat. 1842) is amended*  
 15                  *by striking “Dams” and inserting “Dams No. 1–5”.*

16 **SEC. 5100. LEHIGH RIVER, LEHIGH COUNTY, PENNSYL-**  
 17 **VANIA.**

18                  *The Secretary shall use existing water quality data to*  
 19                  *model the effects of the Francis E. Walter Dam, at different*  
 20                  *water levels, to determine its impact on water and related*  
 21                  *resources in and along the Lehigh River in Lehigh County,*  
 22                  *Pennsylvania. There is authorized to be appropriated*  
 23                  *\$500,000 to carry out this section.*



1 **SEC. 5101. NORTHEAST PENNSYLVANIA.**

2       *Section 219(f)(11) of the Water Resources Development*  
 3 *Act of 1992 (113 Stat. 335) is amended by striking “and*  
 4 *Monroe” and inserting “Northumberland, Union, Snyder,*  
 5 *Luzerne, and Monroe”.*

6 **SEC. 5102. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.**

8       (a) *STUDY AND STRATEGY DEVELOPMENT.*—*Section*  
 9 *567(a) of the Water Resources Development Act of 1996*  
 10 *(110 Stat. 3787; 114 Stat. 2662) is amended—*

11               *(1) in the matter preceding paragraph (1) by in-*  
 12 *serting “and carry out” after “develop”; and*

13               *(2) in paragraph (2) by striking “\$10,000,000.”*  
 14 *and inserting “\$20,000,000, of which the Secretary*  
 15 *may utilize not more than \$5,000,000 to design and*  
 16 *construct feasible pilot projects during the develop-*  
 17 *ment of the strategy to demonstrate alternative ap-*  
 18 *proaches for the strategy. The total cost for any single*  
 19 *pilot project may not exceed \$500,000. The Secretary*  
 20 *shall evaluate the results of the pilot projects and con-*  
 21 *sider the results in the development of the strategy.”.*

22       (b) *COOPERATIVE AGREEMENTS.*—*Section 567(c) of*  
 23 *such Act (114 Stat. 2662) is amended—*

24               *(1) in the subsection heading by striking “CO-*  
 25 *OPERATION” and inserting “COOPERATIVE”; and*

26               *(2) in the first sentence—*

1                   (A) by inserting “and carrying out” after  
2                   “developing”; and

3                   (B) by striking “cooperation” and inserting  
4                   “cost-sharing and cooperative”.

5           (c) *IMPLEMENTATION OF STRATEGY.*—Section 567(d)  
6 of such Act (114 Stat. 2663) is amended—

7                   (1) by striking “The Secretary” and inserting  
8                   the following:

9                   “(1) *IN GENERAL.*—The Secretary”;

10                   (2) in the second sentence of paragraph (1) (as  
11                   so designated)—

12                   (A) by striking “implement” and inserting  
13                   “carry out”; and

14                   (B) by striking “implementing” and insert-  
15                   ing “carrying out”;

16                   (3) by adding at the end the following:

17                   “(2) *PRIORITY PROJECT.*—In carrying out  
18                   projects to implement the strategy, the Secretary shall  
19                   give priority to the project for ecosystem restoration,  
20                   Cooperstown, New York, described in the Upper Sus-  
21                   quehanna River Basin—Cooperstown Area Ecosystem  
22                   Restoration Feasibility Study, dated December 2004,  
23                   prepared by the Corps of Engineers and the New York  
24                   State Department of Environmental Conservation.”;  
25                   and

1           (4) by aligning the remainder of the text of  
 2           paragraph (1) (as designated by paragraph (1) of this  
 3           subsection) with paragraph (2) (as added by para-  
 4           graph (3) of this subsection).

5           (d) *CREDIT*.—Section 567 of such Act (110 Stat. 3787;  
 6           114 Stat. 2662) is amended by adding at the end the fol-  
 7           lowing:

8           “(e) *CREDIT*.—The Secretary shall credit toward the  
 9           non-Federal share of the cost of a project under this sec-  
 10          tion—

11               “(1) the cost of design and construction work  
 12               carried out by the non-Federal interest before the date  
 13               of the partnership agreement for the project if the Sec-  
 14               retary determines that the work is integral to the  
 15               project; and

16               “(2) the cost of in-kind services and materials  
 17               provided for the project by the non-Federal interest.”.

18   **SEC. 5103. CANO MARTIN PENA, SAN JUAN, PUERTO RICO.**

19           The Secretary shall review a report prepared by the  
 20           non-Federal interest concerning flood protection and envi-  
 21           ronmental restoration for Cano Martin Pena, San Juan,  
 22           Puerto Rico, and, if the Secretary determines that the re-  
 23           port meets the evaluation and design standards of the Corps  
 24           of Engineers and that the project is feasible, the Secretary  
 25           may carry out the project at a total cost of \$130,000,000,

1 *with an estimated Federal cost of \$85,000,000 and an esti-*  
 2 *mated non-Federal cost of \$45,000,000.*

3 **SEC. 5104. CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE**  
 4 **SIOUX TRIBE, AND TERRESTRIAL WILDLIFE**  
 5 **HABITAT RESTORATION, SOUTH DAKOTA.**

6 *(a) DISBURSEMENT PROVISIONS OF THE STATE OF*  
 7 *SOUTH DAKOTA AND THE CHEYENNE RIVER SIOUX TRIBE*  
 8 *AND THE LOWER BRULE SIOUX TRIBE TERRESTRIAL*  
 9 *WILDLIFE HABITAT RESTORATION TRUST FUNDS.—Sec-*  
 10 *tion 602(a)(4) of the Water Resources Development Act of*  
 11 *1999 (113 Stat. 386) is amended—*

12 *(1) in subparagraph (A)—*

13 *(A) in clause (i) by inserting “and the Sec-*  
 14 *retary of the Treasury” after “Secretary”; and*

15 *(B) by striking clause (ii) and inserting the*  
 16 *following:*

17 *“(ii) AVAILABILITY OF FUNDS.—On*  
 18 *notification in accordance with clause (i),*  
 19 *the Secretary of the Treasury shall make*  
 20 *available to the State of South Dakota*  
 21 *funds from the State of South Dakota Ter-*  
 22 *restrial Wildlife Habitat Restoration Trust*  
 23 *Fund established under section 603, to be*  
 24 *used to carry out the plan for terrestrial*  
 25 *wildlife habitat restoration submitted by the*

1           *State of South Dakota after the State cer-*  
2           *tifies to the Secretary of the Treasury that*  
3           *the funds to be disbursed will be used in ac-*  
4           *cordance with section 603(d)(3) and only*  
5           *after the Trust Fund is fully capitalized.”;*  
6           *and*

7           *(2) in subparagraph (B) by striking clause (ii)*  
8           *and inserting the following:*

9                     “(ii) *AVAILABILITY OF FUNDS.—On*  
10           *notification in accordance with clause (i),*  
11           *the Secretary of the Treasury shall make*  
12           *available to the Cheyenne River Sioux Tribe*  
13           *and the Lower Brule Sioux Tribe funds*  
14           *from the Cheyenne River Sioux Terrestrial*  
15           *Wildlife Habitat Restoration Trust Fund*  
16           *and the Lower Brule Sioux Terrestrial*  
17           *Wildlife Habitat Restoration Trust Fund,*  
18           *respectively, established under section 604,*  
19           *to be used to carry out the plans for terres-*  
20           *trial wildlife habitat restoration submitted*  
21           *by the Cheyenne River Sioux Tribe and the*  
22           *Lower Brule Sioux Tribe, respectively, to*  
23           *after the respective tribe certifies to the Sec-*  
24           *retary of the Treasury that the funds to be*  
25           *disbursed will be used in accordance with*

1                    *section 604(d)(3) and only after the Trust*  
 2                    *Fund is fully capitalized.”.*

3            (b) *INVESTMENT PROVISIONS OF THE STATE OF*  
 4 *SOUTH DAKOTA TERRESTRIAL WILDLIFE RESTORATION*  
 5 *TRUST FUND.*—*Section 603 of the Water Resources Devel-*  
 6 *opment Act of 1999 (113 Stat. 388; 114 Stat. 2664) is*  
 7 *amended—*

8                    (1) *by striking subsection (c) and inserting the*  
 9 *following:*

10            “(c) *INVESTMENTS.*—

11                    “(1) *ELIGIBLE OBLIGATIONS.*—*Notwithstanding*  
 12 *any other provision of law, the Secretary of the Treas-*  
 13 *ury shall invest the amounts deposited under sub-*  
 14 *section (b) and the interest earned on those amounts*  
 15 *only in interest-bearing obligations of the United*  
 16 *States issued directly to the Fund.*

17                    “(2) *INVESTMENT REQUIREMENTS.*—

18                    “(A) *IN GENERAL.*—*The Secretary of the*  
 19 *Treasury shall invest the amounts in the Fund*  
 20 *in accordance with the requirements of this*  
 21 *paragraph.*

22                    “(B) *SEPARATE INVESTMENTS OF PRIN-*  
 23 *CIPAL AND INTEREST.*—

24                    “(i) *PRINCIPAL ACCOUNT.*—*The*  
 25 *amounts deposited in the Fund under sub-*

1            *section (b) shall be credited to an account*  
 2            *within the Fund (referred to in this para-*  
 3            *graph as the ‘principal account’) and in-*  
 4            *vested as provided in subparagraph (C).*

5            “(ii) *INTEREST ACCOUNT.—The inter-*  
 6            *est earned from investing amounts in the*  
 7            *principal account of the Fund shall be*  
 8            *transferred to a separate account within the*  
 9            *Fund (referred to in this paragraph as the*  
 10           *‘interest account’) and invested as provided*  
 11           *in subparagraph (D).*

12           “(iii) *CREDITING.—The interest earned*  
 13           *from investing amounts in the interest ac-*  
 14           *count of the Fund shall be credited to the*  
 15           *interest account.*

16           “(C) *INVESTMENT OF PRINCIPAL AC-*  
 17           *COUNT.—*

18           “(i) *INITIAL INVESTMENT.—Each*  
 19           *amount deposited in the principal account*  
 20           *of the Fund shall be invested initially in el-*  
 21           *igible obligations having the shortest matu-*  
 22           *rity then available until the date on which*  
 23           *the amount is divided into 3 substantially*  
 24           *equal portions and those portions are in-*  
 25           *vested in eligible obligations that are iden-*

1           tical (except for transferability) to the next-  
2           issued publicly issued Treasury obligations  
3           having a 2-year maturity, a 5-year matu-  
4           rity, and a 10-year maturity, respectively.

5           “(ii) *SUBSEQUENT INVESTMENT.*—As  
6           each 2-year, 5-year, and 10-year eligible ob-  
7           ligation matures, the principal of the ma-  
8           turing eligible obligation shall also be in-  
9           vested initially in the shortest-maturity eli-  
10          gible obligation then available until the  
11          principal is reinvested substantially equally  
12          in the eligible obligations that are identical  
13          (except for transferability) to the next-issued  
14          publicly issued Treasury obligations having  
15          2-year, 5-year, and 10-year maturities.

16          “(iii) *DISCONTINUANCE OF ISSUANCE*  
17          *OF OBLIGATIONS.*—If the Department of the  
18          Treasury discontinues issuing to the public  
19          obligations having 2-year, 5-year, or 10-  
20          year maturities, the principal of any ma-  
21          turing eligible obligation shall be reinvested  
22          substantially equally in eligible obligations  
23          that are identical (except for transfer-  
24          ability) to the next-issued publicly issued



1           *Treasury obligations of the maturities*  
2           *longer than 1 year then available.*

3           “(D)   *INVESTMENT OF INTEREST AC-*  
4           *COUNT.—*

5                   “(i) *BEFORE FULL CAPITALIZATION.—*  
6           *Until the date on which the Fund is fully*  
7           *capitalized, amounts in the interest account*  
8           *of the Fund shall be invested in eligible obli-*  
9           *gations that are identical (except for trans-*  
10          *ferability) to publicly issued Treasury obli-*  
11          *gations that have maturities that coincide,*  
12          *to the maximum extent practicable, with the*  
13          *date on which the Fund is expected to be*  
14          *fully capitalized.*

15                   “(ii) *AFTER FULL CAPITALIZATION.—*  
16          *On and after the date on which the Fund*  
17          *is fully capitalized, amounts in the interest*  
18          *account of the Fund shall be invested and*  
19          *reinvested in eligible obligations having the*  
20          *shortest maturity then available until the*  
21          *amounts are withdrawn and transferred to*  
22          *fund the activities authorized under sub-*  
23          *section (d)(3).*

24                   “(E) *PAR PURCHASE PRICE.—The price to*  
25          *be paid for eligible obligations purchased as in-*

1        *vestments of the principal account shall not ex-*  
 2        *ceed the par value of the obligations so that the*  
 3        *amount of the principal account shall be pre-*  
 4        *served in perpetuity.*

5                *“(F) HIGHEST YIELD.—Among eligible obli-*  
 6        *gations having the same maturity and purchase*  
 7        *price, the obligation to be purchased shall be the*  
 8        *obligation having the highest yield.*

9                *“(G) HOLDING TO MATURITY.—Eligible ob-*  
 10        *ligations purchased shall generally be held to*  
 11        *their maturities.*

12                *“(3) ANNUAL REVIEW OF INVESTMENT ACTIVI-*  
 13        *TIES.—Not less frequently than once each calendar*  
 14        *year, the Secretary of the Treasury shall review with*  
 15        *the State of South Dakota the results of the invest-*  
 16        *ment activities and financial status of the Fund dur-*  
 17        *ing the preceding 12-month period.*

18                *“(4) AUDITS.—*

19                *“(A) IN GENERAL.—The activities of the*  
 20        *State of South Dakota (referred to in this sub-*  
 21        *section as the ‘State’) in carrying out the plan*  
 22        *of the State for terrestrial wildlife habitat res-*  
 23        *toration under section 602(a) shall be audited as*  
 24        *part of the annual audit that the State is re-*  
 25        *quired to prepare under the Office of Manage-*

1           *ment and Budget Circular A-133 (or a successor*  
 2           *circulation).*

3           “(B) *DETERMINATION BY AUDITORS.—An*  
 4           *auditor that conducts an audit under subpara-*  
 5           *graph (A) shall—*

6                     “(i) *determine whether funds received*  
 7                     *by the State under this section during the*  
 8                     *period covered by the audit were used to*  
 9                     *carry out the plan of the State in accord-*  
 10                    *ance with this section; and*

11                   “(ii) *include the determination under*  
 12                    *clause (i) in the written findings of the*  
 13                    *audit.*

14           “(5) *MODIFICATION OF INVESTMENT REQUIRE-*  
 15            *MENTS.—*

16                   “(A) *IN GENERAL.—If the Secretary of the*  
 17                    *Treasury determines that meeting the require-*  
 18                    *ments under paragraph (2) with respect to the*  
 19                    *investment of a Fund is not practicable, or*  
 20                    *would result in adverse consequences for the*  
 21                    *Fund, the Secretary shall modify the require-*  
 22                    *ments, as the Secretary determines to be nec-*  
 23                    *essary.*

24                   “(B) *CONSULTATION.—Before modifying a*  
 25                    *requirement under subparagraph (A), the Sec-*

1            *retary of the Treasury shall consult with the*  
 2            *State regarding the proposed modification.”;*

3            *(2) in subsection (d)(2) by inserting “of the*  
 4            *Treasury” after “Secretary”; and*

5            *(3) by striking subsection (f) and inserting the*  
 6            *following:*

7            *“(f) ADMINISTRATIVE EXPENSES.—There are author-*  
 8            *ized to be appropriated to the Secretary of the Treasury*  
 9            *to pay expenses associated with investing the Fund and au-*  
 10           *diting the uses of amounts withdrawn from the Fund—*

11           *“(1) \$500,000 for each of fiscal years 2006 and*  
 12           *2007; and*

13           *“(2) such sums as are necessary for each subse-*  
 14           *quent fiscal year.”.*

15           *(c) INVESTMENT PROVISIONS FOR THE CHEYENNE*  
 16           *RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE*  
 17           *TRUST FUNDS.—Section 604 of the Water Resources Devel-*  
 18           *opment Act of 1999 (113 Stat. 389; 114 Stat. 2665) is*  
 19           *amended—*

20           *(1) by striking subsection (c) and inserting the*  
 21           *following:*

22           *“(c) INVESTMENTS.—*

23           *“(1) ELIGIBLE OBLIGATIONS.—Notwithstanding*  
 24           *any other provision of law, the Secretary of the Treas-*  
 25           *ury shall invest the amounts deposited under sub-*

1        *section (b) and the interest earned on those amounts*  
 2        *only in interest-bearing obligations of the United*  
 3        *States issued directly to the Funds.*

4            “(2) *INVESTMENT REQUIREMENTS.—*

5            “(A) *IN GENERAL.—The Secretary of the*  
 6        *Treasury shall invest the amounts in each of the*  
 7        *Funds in accordance with the requirements of*  
 8        *this paragraph.*

9            “(B) *SEPARATE INVESTMENTS OF PRIN-*  
 10        *CIPAL AND INTEREST.—*

11           “(i)    *PRINCIPAL        ACCOUNT.—The*  
 12        *amounts deposited in each Fund under sub-*  
 13        *section (b) shall be credited to an account*  
 14        *within the Fund (referred to in this para-*  
 15        *graph as the ‘principal account’) and in-*  
 16        *vested as provided in subparagraph (C).*

17           “(ii) *INTEREST ACCOUNT.—The inter-*  
 18        *est earned from investing amounts in the*  
 19        *principal account of each Fund shall be*  
 20        *transferred to a separate account within the*  
 21        *Fund (referred to in this paragraph as the*  
 22        *‘interest account’) and invested as provided*  
 23        *in subparagraph (D).*

24           “(iii) *CREDITING.—The interest earned*  
 25        *from investing amounts in the interest ac-*

1                   *count of each Fund shall be credited to the*  
2                   *interest account.*

3                   “(C) *INVESTMENT OF PRINCIPAL AC-*  
4                   *COUNT.—*

5                   “(i) *INITIAL INVESTMENT.—Each*  
6                   *amount deposited in the principal account*  
7                   *of each Fund shall be invested initially in*  
8                   *eligible obligations having the shortest ma-*  
9                   *turity then available until the date on*  
10                  *which the amount is divided into 3 substan-*  
11                  *tially equal portions and those portions are*  
12                  *invested in eligible obligations that are*  
13                  *identical (except for transferability) to the*  
14                  *next-issued publicly issued Treasury obliga-*  
15                  *tions having a 2-year maturity, a 5-year*  
16                  *maturity, and a 10-year maturity, respec-*  
17                  *tively.*

18                  “(ii) *SUBSEQUENT INVESTMENT.—As*  
19                  *each 2-year, 5-year, and 10-year eligible ob-*  
20                  *ligation matures, the principal of the ma-*  
21                  *turing eligible obligation shall also be in-*  
22                  *vested initially in the shortest-maturity eli-*  
23                  *gible obligation then available until the*  
24                  *principal is reinvested substantially equally*  
25                  *in the eligible obligations that are identical*

1           *(except for transferability) to the next-issued*  
2           *publicly issued Treasury obligations having*  
3           *2-year, 5-year, and 10-year maturities.*

4           “(iii) *DISCONTINUATION OF ISSUANCE*  
5           *OF OBLIGATIONS.—If the Department of the*  
6           *Treasury discontinues issuing to the public*  
7           *obligations having 2-year, 5-year, or 10-*  
8           *year maturities, the principal of any ma-*  
9           *turing eligible obligation shall be reinvested*  
10           *substantially equally in eligible obligations*  
11           *that are identical (except for transfer-*  
12           *ability) to the next-issued publicly issued*  
13           *Treasury obligations of the maturities*  
14           *longer than 1 year then available.*

15           “(D) *INVESTMENT OF THE INTEREST AC-*  
16           *COUNT.—*

17           “(i) *BEFORE FULL CAPITALIZATION.—*  
18           *Until the date on which each Fund is fully*  
19           *capitalized, amounts in the interest account*  
20           *of the Fund shall be invested in eligible obli-*  
21           *gations that are identical (except for trans-*  
22           *ferability) to publicly issued Treasury obli-*  
23           *gations that have maturities that coincide,*  
24           *to the maximum extent practicable, with the*

1           *date on which the Fund is expected to be*  
2           *fully capitalized.*

3           “(ii) *AFTER FULL CAPITALIZATION.*—

4           *On and after the date on which each Fund*  
5           *is fully capitalized, amounts in the interest*  
6           *account of the Fund shall be invested and*  
7           *reinvested in eligible obligations having the*  
8           *shortest maturity then available until the*  
9           *amounts are withdrawn and transferred to*  
10          *fund the activities authorized under sub-*  
11          *section (d)(3).*

12          “(E) *PAR PURCHASE PRICE.*—*The price to*  
13          *be paid for eligible obligations purchased as in-*  
14          *vestments of the principal account shall not ex-*  
15          *ceed the par value of the obligations so that the*  
16          *amount of the principal account shall be pre-*  
17          *served in perpetuity.*

18          “(F) *HIGHEST YIELD.*—*Among eligible obli-*  
19          *gations having the same maturity and purchase*  
20          *price, the obligation to be purchased shall be the*  
21          *obligation having the highest yield.*

22          “(G) *HOLDING TO MATURITY.*—*Eligible ob-*  
23          *ligations purchased shall generally be held to*  
24          *their maturities.*



1           “(3) *ANNUAL REVIEW OF INVESTMENT ACTIVITIES.*—Not less frequently than once each calendar  
2           year, the Secretary of the Treasury shall review with  
3           the Cheyenne River Sioux Tribe and the Lower Brule  
4           Sioux Tribe (referred to in this subsection as the  
5           ‘Tribes’) the results of the investment activities and fi-  
6           nancial status of the Funds during the preceding 12-  
7           month period.  
8

9           “(4) *AUDITS.*—

10           “(A) *IN GENERAL.*—The activities of the  
11           Tribes in carrying out the plans of the Tribes for  
12           terrestrial wildlife habitat restoration under sec-  
13           tion 602(a) shall be audited as part of the an-  
14           nual audit that the Tribes are required to pre-  
15           pare under the Office of Management and Budg-  
16           et Circular A-133 (or a successor circulation).

17           “(B) *DETERMINATION BY AUDITORS.*—An  
18           auditor that conducts an audit under subpara-  
19           graph (A) shall—

20           “(i) *determine whether funds received*  
21           *by the Tribes under this section during the*  
22           *period covered by the audit were used to*  
23           *carry out the plan of the appropriate Tribe*  
24           *in accordance with this section; and*

1                   “(ii) include the determination under  
2                   clause (i) in the written findings of the  
3                   audit.

4                   “(5) *MODIFICATION OF INVESTMENT REQUIRE-*  
5                   *MENTS.—*

6                   “(A) *IN GENERAL.—If the Secretary of the*  
7                   *Treasury determines that meeting the require-*  
8                   *ments under paragraph (2) with respect to the*  
9                   *investment of a Fund is not practicable, or*  
10                  *would result in adverse consequences for the*  
11                  *Fund, the Secretary shall modify the require-*  
12                  *ments, as the Secretary determines to be nec-*  
13                  *essary.*

14                  “(B) *CONSULTATION.—Before modifying a*  
15                  *requirement under subparagraph (A), the Sec-*  
16                  *retary of the Treasury shall consult with the*  
17                  *Tribes regarding the proposed modification.”;*  
18                  *and*

19                  *(2) by striking subsection (f) and inserting the*  
20                  *following:*

21                  “(f) *ADMINISTRATIVE EXPENSES.—There are author-*  
22                  *ized to be appropriated to the Secretary of the Treasury*  
23                  *to pay expenses associated with investing the Funds and*  
24                  *auditing the uses of amounts withdrawn from the Funds—*

1           “(1) \$500,000 for each of fiscal years 2006 and  
2       2007; and

3           “(2) such sums as are necessary for each subse-  
4       quent fiscal year.”.

5   **SEC. 5105. FRITZ LANDING, TENNESSEE.**

6       *The Secretary shall—*

7           (1) *conduct a study of the Fritz Landing Agri-*  
8       *cultural Spur Levee, Tennessee, to determine the ex-*  
9       *tent of levee modifications that would be required to*  
10      *make the levee and associated drainage structures*  
11      *consistent with Federal standards;*

12          (2) *design and construct such modifications; and*

13          (3) *after completion of such modifications, incor-*  
14      *porate the levee into the project for flood control, Mis-*  
15      *issippi River and Tributaries, authorized by the Act*  
16      *entitled “An Act for the control of floods on the Mis-*  
17      *issippi River and its tributaries, and for other pur-*  
18      *poses”, approved May 15, 1928 (45 Stat. 534–539),*  
19      *commonly known as the “Flood Control Act of 1928”.*

20   **SEC. 5106. J. PERCY PRIEST DAM AND RESERVOIR, TEN-**  
21       **NESSEE.**

22       *The Secretary shall plan, design, and construct a trail*  
23      *system at the J. Percy Priest Dam and Reservoir, Ten-*  
24      *nessee, authorized by section 4 of the Act entitled “An Act*  
25      *authorizing the construction of certain public works on riv-*

1 *ers and harbors for flood control, and for other purposes”,*  
 2 *approved June 28, 1938 (52 Stat. 1217), and adjacent pub-*  
 3 *lic property, including design and construction of support*  
 4 *facilities. In carrying out such improvements, the Secretary*  
 5 *is authorized to use funds made available by the State of*  
 6 *Tennessee from any Federal or State source, or both.*

7 **SEC. 5107. TOWN CREEK, LENOIR CITY, TENNESSEE.**

8 *The Secretary shall design and construct the project*  
 9 *for flood damage reduction designated as Alternative 4 in*  
 10 *the Town Creek, Lenoir City, Loudon County, Tennessee,*  
 11 *feasibility report of the Nashville district engineer, dated*  
 12 *November 2000, under the authority of section 205 of the*  
 13 *Flood Control Act of 1948 (33 U.S.C. 701s), notwith-*  
 14 *standing section 1 of the Flood Control Act of June 22, 1936*  
 15 *(33 U.S.C. 701a; 49 Stat. 1570). The non-Federal share of*  
 16 *the cost of the project shall be subject to section 103(m) of*  
 17 *the Water Resources Development Act of 1986 (33 U.S.C.*  
 18 *2213(m)).*

19 **SEC. 5108. TENNESSEE RIVER PARTNERSHIP.**

20 *(a) IN GENERAL.—As part of the operation and main-*  
 21 *tenance of the project for navigation, Tennessee River, Ten-*  
 22 *nessee, Alabama, Mississippi, and Kentucky, authorized by*  
 23 *the first section of the River and Harbor Act of July 3,*  
 24 *1930 (46 Stat. 927), the Secretary may enter into a part-*  
 25 *nership with a nonprofit entity to remove debris from the*

1 *Tennessee River in the vicinity of Knoxville, Tennessee, by*  
2 *providing a vessel to such entity, at Federal expense, for*  
3 *such debris removal purposes.*

4 (b) *AUTHORIZATION OF APPROPRIATIONS.—There is*  
5 *authorized to be appropriated to carry out this section*  
6 *\$500,000.*

7 **SEC. 5109. UPPER MISSISSIPPI EMBAYMENT, TENNESSEE,**  
8 **ARKANSAS, AND MISSISSIPPI.**

9 *The Secretary may participate with non-Federal and*  
10 *nonprofit entities to address issues concerning managing*  
11 *groundwater as a sustainable resource through the Upper*  
12 *Mississippi Embayment, Tennessee, Arkansas, and Mis-*  
13 *sissippi, and coordinating the protection of groundwater*  
14 *supply and groundwater quality with local surface water*  
15 *protection programs. There is authorized to be appropriated*  
16 *\$5,000,000 to carry out this section.*

17 **SEC. 5110. BOSQUE RIVER WATERSHED, TEXAS.**

18 (a) *COMPREHENSIVE PLAN.—The Secretary, in con-*  
19 *sultation with appropriate Federal, State, and local enti-*  
20 *ties, shall develop, as expeditiously as practicable, a com-*  
21 *prehensive plan for development of new technologies and in-*  
22 *novative approaches for restoring, preserving, and pro-*  
23 *tecting the Bosque River watershed within Bosque, Ham-*  
24 *ilton, McLennan, and Erath Counties, Texas. The Sec-*  
25 *retary, in cooperation with the Secretary of Agriculture,*

1 *may carry out activities identified in the comprehensive*  
2 *plan to demonstrate practicable alternatives for stabiliza-*  
3 *tion and enhancement of land and water resources in the*  
4 *basin.*

5 (b) *SERVICES OF PUBLIC NON-PROFIT INSTITUTIONS*  
6 *AND OTHER ENTITIES.*—*In carrying out subsection (a), the*  
7 *Secretary may utilize, through contracts or other means,*  
8 *the services of public non-profit institutions and such other*  
9 *entities as the Secretary considers appropriate.*

10 (c) *NON-FEDERAL SHARE.*—

11 (1) *CREDIT.*—*The Secretary shall credit toward*  
12 *the non-Federal share of the cost of activities carried*  
13 *out under this section the cost of planning, design,*  
14 *and construction work completed by or on behalf of*  
15 *the non-Federal interests for implementation of meas-*  
16 *ures constructed with assistance provided under this*  
17 *section. The amount of such credit shall not exceed the*  
18 *non-Federal share of the cost of such activities.*

19 (2) *OPERATION AND MAINTENANCE.*—*The non-*  
20 *Federal share of the cost of operation and mainte-*  
21 *nance for measures constructed with assistance pro-*  
22 *vided under this section shall be 100 percent.*

23 (d) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*  
24 *authorized to be appropriated to carry out this section*  
25 *\$10,000,000.*

1 **SEC. 5111. DALLAS FLOODWAY, DALLAS TEXAS.**

2       (a) *IN GENERAL.*—*The project for flood control, Trin-*  
3 *ity River and tributaries, Texas, authorized by section 2*  
4 *of the Act entitled, “An Act authorizing the construction,*  
5 *repair, and preservation of certain public works on rivers*  
6 *and harbors, and for other purposes”, approved March 2,*  
7 *1945 (59 Stat. 18), is modified to—*

8               (1) *direct the Secretary to review the Balanced*  
9 *Vision Plan for the Trinity River Corridor, Dallas,*  
10 *Texas, dated December 2003 and amended in March*  
11 *2004, prepared by the non-Federal interest for the*  
12 *project;*

13               (2) *direct the Secretary to review the Interior*  
14 *Levee Drainage Study Phase-I report, Dallas, Texas,*  
15 *dated September 2006, prepared by the non-Federal*  
16 *interest; and*

17               (3) *if the Secretary determines that the project is*  
18 *technically sound and environmentally acceptable,*  
19 *authorize the Secretary to construct the project at a*  
20 *total cost of \$459,000,000, with an estimated Federal*  
21 *cost of \$298,000,000 and an estimated non-Federal*  
22 *cost of \$161,000,000.*

23       (b) *CREDIT.*—

24               (1) *IN-KIND CONTRIBUTIONS.*—*The Secretary*  
25 *shall credit toward the non-Federal share of the cost*  
26 *of the project the cost of planning, design, and con-*

1        *struction work carried out by the non-Federal interest*  
 2        *before the date of the partnership agreement for the*  
 3        *project if the Secretary determines that the work is*  
 4        *integral to the project.*

5            (2) *CASH CONTRIBUTIONS.*—*The Secretary shall*  
 6        *accept funds provided by the non-Federal interest for*  
 7        *use in carrying out planning, engineering, and design*  
 8        *for the project. The Federal share of such planning,*  
 9        *engineering, and design carried out with non-Federal*  
 10       *contributions shall be credited against the non-Fed-*  
 11       *eral share of the cost of the project.*

12    **SEC. 5112. HARRIS COUNTY, TEXAS.**

13        (a) *IN GENERAL.*—*Section 575(a) of the Water Re-*  
 14       *sources Development Act of 1996 (110 Stat. 3789; 113 Stat.*  
 15       *311) is amended by inserting before the period at the end*  
 16       *the following: “, whether or not such works or actions are*  
 17       *partially funded under the hazard mitigation grant pro-*  
 18       *gram of the Federal Emergency Management Agency”.*

19        (b) *SPECIFIC PROJECTS.*—*Section 575(b) of such Act*  
 20       *(110 Stat. 3789; 113 Stat. 311) is amended—*

21            (1) *in paragraph (3) by striking “and” at the*  
 22        *end;*

23            (2) *in paragraph (4) by striking the period at*  
 24        *the end and inserting “; and”; and*

25            (3) *by adding the following:*



1           “(5) the project for flood control, Upper White  
2       Oak Bayou, Texas, authorized by section 401(a) of the  
3       Water Resources Development Act of 1986 (100 Stat.  
4       4125).”.

5   **SEC. 5113. ONION CREEK, TEXAS.**

6       *In carrying out the study for the project for flood dam-*  
7       *age reduction, recreation, and ecosystem restoration, Onion*  
8       *Creek, Texas, the Secretary shall include the costs and bene-*  
9       *fits associated with the relocation of flood-prone residences*  
10      *in the study area for the project in the period beginning*  
11      *2 years before the date of initiation of the study and ending*  
12      *on the date of execution of the partnership agreement for*  
13      *construction of the project to the extent the Secretary deter-*  
14      *mines such relocations are compatible with the project. The*  
15      *Secretary shall credit toward the non-Federal share of the*  
16      *cost of the project the cost of relocation of such flood-prone*  
17      *residences incurred by the non-Federal interest before the*  
18      *date of the partnership agreement for the project if the Sec-*  
19      *retary determines that the relocation of such residences is*  
20      *integral to the project.*

21   **SEC. 5114. EASTERN SHORE AND SOUTHWEST VIRGINIA.**

22       *Section 219(f)(10) of the Water Resources Development*  
23      *Act of 1992 (106 Stat. 4835; 113 Stat. 335) is amended—*

1           (1) *by striking “\$20,000,000 for water supply*  
 2           *and wastewater infrastructure” and inserting the fol-*  
 3           *lowing:*

4                     “(A) *IN GENERAL.*—\$20,000,000 for water  
 5           *supply, wastewater infrastructure, and environ-*  
 6           *mental restoration”;*

7           (2) *by adding at the end the following:*

8                     “(B) *CREDIT.*—*The Secretary shall credit*  
 9           *toward the non-Federal share of the cost of the*  
 10          *project the cost of work carried out by the non-*  
 11          *Federal interest before the date of the partnership*  
 12          *agreement for the project if the Secretary deter-*  
 13          *mines that the work is integral to the project.”;*  
 14          *and*

15          (3) *by aligning the remainder of the text of sub-*  
 16          *paragraph (A) (as designated by paragraph (1) of*  
 17          *this section) with subparagraph (B) (as added by*  
 18          *paragraph (2) of this section).*

19 **SEC. 5115. DYKE MARSH, FAIRFAX COUNTY, VIRGINIA.**

20          *The Secretary shall accept funds from the National*  
 21          *Park Service to restore Dyke Marsh, Fairfax County, Vir-*  
 22          *ginia.*

23 **SEC. 5116. BAKER BAY AND ILWACO HARBOR, WASHINGTON.**

24          *The Secretary shall conduct a study of increased silt-*  
 25          *ation in Baker Bay and Ilwaco Harbor, Washington, to de-*

1 *termine if the siltation is the result of a Federal navigation*  
 2 *project (including diverted flows from the Columbia River)*  
 3 *and, if the Secretary determines that the siltation is the*  
 4 *result of a Federal navigation project, the Secretary shall*  
 5 *carry out a project to mitigate the siltation as part of main-*  
 6 *tenance of the Federal navigation project.*

7 **SEC. 5117. HAMILTON ISLAND CAMPGROUND, WASHINGTON.**

8 *The Secretary is authorized to plan, design, and con-*  
 9 *struct a campground for Bonneville Lock and Dam at*  
 10 *Hamilton Island (also know as “Strawberry Island”) in*  
 11 *Skamania County, Washington.*

12 **SEC. 5118. PUGET ISLAND, WASHINGTON.**

13 *The Secretary is directed to place dredged and other*  
 14 *suitable material along portions of the Columbia River*  
 15 *shoreline of Puget Island, Washington, between river miles*  
 16 *38 to 47 in order to protect economic and environmental*  
 17 *resources in the area from further erosion, at a Federal cost*  
 18 *of \$1,000,000. This action shall be coordinated with appro-*  
 19 *priate resource agencies and comply with applicable Fed-*  
 20 *eral laws.*

21 **SEC. 5119. WILLAPA BAY, WASHINGTON.**

22 *Section 545 of the Water Resources Development Act*  
 23 *of 2000 (114 Stat. 2675) is amended—*

24 *(1) in subsection (b)(1) by striking “may con-*  
 25 *struct” and inserting “shall construct”; and*

1           (2) by inserting “and ecosystem restoration”  
2           after “erosion protection” each place it appears.

3 **SEC. 5120. WEST VIRGINIA AND PENNSYLVANIA FLOOD**  
4 **CONTROL.**

5           (a) *CHEAT AND TYGART RIVER BASINS, WEST VIR-*  
6 *GINIA.*—Section 581(a)(1) of the Water Resources Develop-  
7 *ment Act of 1996 (110 Stat. 3790; 113 Stat. 313) is amend-*  
8 *ed—*

9           (1) by striking “flood control measures” and in-  
10          serting “structural and nonstructural flood control,  
11          streambank protection, stormwater management, and  
12          channel clearing and modification measures”; and

13          (2) by inserting “with respect to measures that  
14          incorporate levees or floodwalls” before the semicolon.

15          (b) *PRIORITY COMMUNITIES.*—Section 581(b) of the  
16 *Water Resources Development Act of 1996 (110 Stat. 3791)*  
17 *is amended—*

18          (1) by striking “and” at the end of paragraph

19          (5);

20          (2) by striking the period at the end of para-  
21          graph (6) and inserting a semicolon; and

22          (3) by adding at the end the following:

23                 “(7) *Etna, Pennsylvania, in the Pine Creek wa-*  
24                 *tershed; and*

1           “(8) *Millvale, Pennsylvania, in the Girty’s Run*  
2       *River basin.*”.

3       (c) *AUTHORIZATION OF APPROPRIATIONS.—Section*  
4       *581(c) of the Water Resources Development Act of 1996 (110*  
5       *Stat. 3791) is amended by striking “\$12,000,000” and in-*  
6       *serting “\$90,000,000”.*

7       **SEC. 5121. CENTRAL WEST VIRGINIA.**

8       *Section 571 of the Water Resources Development Act*  
9       *of 1999 (113 Stat. 371) is amended—*

10           (1) *in subsection (a)—*

11                   (A) *by striking “Nicholas,”; and*

12                   (B) *by striking “Gilmer,”; and*

13           (2) *by adding at the end the following:*

14           “(i) *NONPROFIT ENTITIES.—Notwithstanding section*  
15       *221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–*  
16       *5b(b)), a non-Federal interest may include for any project*  
17       *undertaken under this section a nonprofit entity with the*  
18       *consent of the affected local government.*

19           “(j) *CORPS OF ENGINEERS EXPENSES.—Ten percent*  
20       *of the amounts appropriated to carry out this section may*  
21       *be used by the Corps of Engineers district offices to admin-*  
22       *ister projects under this section at Federal expense.*”.

1 **SEC. 5122. SOUTHERN WEST VIRGINIA.**

2 (a) *CORPS OF ENGINEERS.*—Section 340 of the Water  
3 *Resources Development Act of 1992* (106 Stat. 4856; 113  
4 *Stat. 320*) is amended by adding at the end the following:

5 “(h) *CORPS OF ENGINEERS.*—Ten percent of the  
6 amounts appropriated to carry out this section may be used  
7 by the Corps of Engineers district offices to administer  
8 projects under this section at Federal expense.”.

9 (b) *SOUTHERN WEST VIRGINIA DEFINED.*—Section  
10 340(f) of such Act is amended by inserting “Nicholas,” after  
11 “Greenbrier,”.

12 (c) *NONPROFIT ENTITIES.*—Section 340 of the Water  
13 *Resources Development Act of 1992* (106 Stat. 4856) is fur-  
14 ther amended by adding at the end the following:

15 “(i) *NONPROFIT ENTITIES.*—Notwithstanding section  
16 221(b) of the *Flood Control Act of 1970* (42 U.S.C. 1962d–  
17 5b(b)), a non-Federal interest may include for any project  
18 undertaken under this section a nonprofit entity with the  
19 consent of the affected local government.”.

20 **SEC. 5123. CONSTRUCTION OF FLOOD CONTROL PROJECTS**  
21 **BY NON-FEDERAL INTERESTS.**

22 Section 211(f) of the *Water Resources Development Act*  
23 of 1996 (33 U.S.C. 701b–13) is amended by adding at the  
24 end the following:

25 “(12) *PERRIS, CALIFORNIA.*—The project for  
26 flood control, Perris, California.

1           “(13) *THORNTON RESERVOIR, COOK COUNTY, IL-*  
 2           *LINOIS.—An element of the project for flood control,*  
 3           *Chicagoland Underflow Plan, Illinois.*

4           “(14) *LAROSE TO GOLDEN MEADOW, LOU-*  
 5           *ISIANA.—The project for flood control, Larose to Gold-*  
 6           *en Meadow, Louisiana.*

7           “(15) *BUFFALO BAYOU, TEXAS.—A project for*  
 8           *flood control, Buffalo Bayou, Texas, to provide an al-*  
 9           *ternative to the project authorized by the first section*  
 10          *of the River and Harbor Act of June 20, 1938 (52*  
 11          *Stat. 804) and modified by section 3a of the Flood*  
 12          *Control Act of August 11, 1939 (53 Stat. 1414).*

13          “(16) *HALLS BAYOU, TEXAS.—A project for flood*  
 14          *control, Halls Bayou, Texas, to provide an alternative*  
 15          *to the project for flood control, Buffalo Bayou and*  
 16          *tributaries, Texas, authorized by section 101(a)(21) of*  
 17          *the Water Resources Development Act of 1990 (104*  
 18          *Stat. 4610).”.*

## 19                   **TITLE VI—FLORIDA** 20                   **EVERGLADES**

21   **SEC. 6001. HILLSBORO AND OKEECHOBEE AQUIFER, FLOR-**  
 22                   **IDA.**

23          (a) *MODIFICATION.—The project for Hillsboro and*  
 24          *Okeechobee Aquifer, Florida, authorized by section*  
 25          *101(a)(16) of the Water Resources Development Act of 1999*

1 (113 Stat. 276), is modified to authorize the Secretary to  
 2 carry out the project at a total cost of \$42,500,000.

3 (b) *TREATMENT*.—Section 601(b)(2)(A) of the Water  
 4 Resources Development Act of 2000 (114 Stat. 2681) is  
 5 amended—

6 (1) in clause (i) by adding at the end the fol-  
 7 lowing: “The project for aquifer storage and recovery,  
 8 Hillsboro and Okeechobee Aquifer, Florida, authorized  
 9 by section 101(a)(16) of the Water Resources Develop-  
 10 ment Act of 1999 (113 Stat. 276), shall be treated for  
 11 purposes of this section as being in the Plan, except  
 12 that operation and maintenance costs of the project  
 13 shall remain a non-Federal responsibility.”; and

14 (2) in clause (iii) by inserting after “subpara-  
 15 graph (B)” the following: “and the project for aquifer  
 16 storage and recovery, Hillsboro and Okeechobee Aqi-  
 17 fer”.

18 **SEC. 6002. PILOT PROJECTS.**

19 Section 601(b)(2)(B) of the Water Resources Develop-  
 20 ment Act of 2000 (114 Stat. 2681) is amended—

21 (1) in the matter preceding clause (i)—

22 (A) by striking “\$69,000,000” and inserting  
 23 “\$71,200,000”; and

24 (B) by striking “\$34,500,000” each place it  
 25 appears and inserting “\$35,600,000”; and



1           (2) in clause (i)—

2                   (A) by striking “\$6,000,000” and inserting  
3           “\$8,200,000”; and

4                   (B) by striking “\$3,000,000” each place it  
5           appears and inserting “\$4,100,000”.

6 **SEC. 6003. MAXIMUM COSTS.**

7           (a) *MAXIMUM COST OF PROJECTS.*—Section  
8   601(b)(2)(E) of the Water Resources Development Act of  
9   2000 (114 Stat. 2683) is amended by inserting “and section  
10 (d)” before the period at the end.

11          (b) *MAXIMUM COST OF PROGRAM AUTHORITY.*—Sec-  
12   tion 601(c)(3) of such Act (114 Stat. 2684) is amended by  
13   adding at the end the following:

14                   “(C) *MAXIMUM COST OF PROGRAM AUTHOR-*  
15                   *ITY.*—Section 902 of the Water Resources Devel-  
16                   *opment Act of 1986 (33 U.S.C. 2280) shall apply*  
17                   *to the individual project funding limits in sub-*  
18                   *paragraph (A) and the aggregate cost limits in*  
19                   *subparagraph (B).”.*

20 **SEC. 6004. PROJECT AUTHORIZATION.**

21          Section 601(d) of the Water Resources Development  
22   Act of 2000 (114 Stat. 2684) is amended by adding at the  
23   end the following:

24                   “(3) *PROJECT AUTHORIZATION.*—The following  
25                   project for water resources development and conserva-

tion and other purposes is authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the report designated in this paragraph:

“(A) INDIAN RIVER LAGOON SOUTH, FLORIDA.—The project for ecosystem restoration, water supply, flood damage reduction, and protection of water quality, Indian River Lagoon South, Florida: Report of the Chief of Engineers dated August 6, 2004, at a total cost of \$1,365,000,000, with an estimated Federal cost of \$682,500,000 and an estimated non-Federal cost of \$682,500,000.

“(B) PICAYUNE STRAND, FLORIDA.—The project for environmental restoration, Picayune Strand, Florida: Report of the Chief of Engineers dated September 15, 2005, at a total cost of \$375,330,000, with an estimated Federal cost of \$187,665,000 and an estimated non-Federal cost of \$187,665,000.

“(C) SITE 1 IMPOUNDMENT, FLORIDA.—The project for environmental restoration, Site 1 Impoundment, Florida: Report of the Chief of Engineers dated December 19, 2006, at a total cost of \$80,840,000, with an estimated Federal cost of

1           \$40,420,000 and an estimated non-Federal cost  
2           of \$40,420,000.”.

3 **SEC. 6005. CREDIT.**

4           Section 601(e)(5)(B) of the Water Resources Develop-  
5 ment Act of 2000 (114 Stat. 2685) is amended—

6           (1) in clause (i)—

7                 (A) by striking “or” at the end of subclause

8                 (I);

9                 (B) by adding “or” at the end of subclause

10                (II); and

11                (C) by adding at the end the following:

12                         “(III) the credit is provided for work  
13                         carried out before the date of the partner-  
14                         ship agreement between the Secretary and  
15                         the non-Federal sponsor, as defined in an  
16                         agreement between the Secretary and the  
17                         non-Federal sponsor providing for such  
18                         credit;”; and

19           (2) in clause (ii)—

20                 (A) by striking “design agreement or the  
21                 project cooperation”; and

22                 (B) by inserting before the semicolon the fol-  
23                 lowing: “, including in the case of credit pro-  
24                 vided under clause (i)(III) conditions relating to  
25                 design and construction”.

1 **SEC. 6006. OUTREACH AND ASSISTANCE.**

2        *Section 601(k) of the Water Resources Development Act*  
 3 *of 2000 (114 Stat. 2691) is amended by adding at the end*  
 4 *the following:*

5            “(3) *MAXIMUM EXPENDITURES.*—*The Secretary*  
 6 *may expend up to \$3,000,000 per fiscal year for fiscal*  
 7 *years beginning after September 30, 2004, to carry*  
 8 *out this subsection.”.*

9 **SEC. 6007. CRITICAL RESTORATION PROJECTS.**

10        *Section 528(b)(3)(C) of the Water Resources Develop-*  
 11 *ment Act of 1996 (110 Stat. 3769; 113 Stat. 286) is amend-*  
 12 *ed—*

13            (1) *in clause (i) by striking “\$75,000,000” and*  
 14 *all that follows through “2003” and inserting*  
 15 *“\$95,000,000”; and*

16            (2) *in clause (ii) by striking “\$25,000,000” and*  
 17 *inserting “\$30,000,000”.*

18 **SEC. 6008. MODIFIED WATER DELIVERIES.**

19        (a) *IN GENERAL.*—*The project, Modified Water Deliv-*  
 20 *eries to Everglades National Park, authorized by section*  
 21 *104 of the Everglades National Park Protection and Expan-*  
 22 *sion Act of 1989 (16 U.S.C. 410r-8), as described in the*  
 23 *General Design Memorandum and Environmental Impact*  
 24 *Statement for Modified Water Deliveries to Everglades Na-*  
 25 *tional Park, June 1992, is modified to authorize the Sec-*  
 26 *retary to construct the project substantially in accordance*

1 *with the Revised General Reevaluation Report/Second Sup-*  
2 *plemental Environmental Impact Statement for the*  
3 *Tamiami Trail Modifications, Modified Water Deliveries to*  
4 *Everglades National Park, August 2005, at a total cost of*  
5 *\$144,131,000.*

6 (b) *USE OF FUNDS.—Funds made available under sec-*  
7 *tion 102(f) of the Everglades National Park Protection and*  
8 *Expansion Act of 1989 (16 U.S.C. 410r–6), may be used*  
9 *to carry out the project modification under subsection (a).*

10 (c) *SOURCE AND ALLOCATION OF FUNDS.—*

11 (1) *IN GENERAL.—Except as provided in para-*  
12 *graph (2), Federal costs incurred for construction of*  
13 *the project modification under subsection (a) on or*  
14 *after October 1, 2004, shall be shared equally between*  
15 *the Secretary and the Secretary of the Interior.*

16 (2) *ACCEPTANCE AND USE OF FUNDS.—The Sec-*  
17 *retary may accept and expend funds, without further*  
18 *appropriation, provided from another Federal agency*  
19 *or from non-Federal interests for construction of the*  
20 *project modification under subsection (a) or for car-*  
21 *rying out such other work that the Secretary deter-*  
22 *mines to be appropriate and consistent with author-*  
23 *ized purposes of the modified project.*

1 **SEC. 6009. DEAUTHORIZATIONS.**

2       *The following projects are not authorized after the date*  
3 *of enactment of this Act:*

4           (1) *The uncompleted portions of the project for*  
5 *the C-44 Basin Storage Reservoir of the Comprehen-*  
6 *sive Everglades Restoration Plan, authorized by sec-*  
7 *tion 601(b)(2)(C)(i) of the Water Resources Develop-*  
8 *ment Act of 2000 (114 Stat. 2682), at a total cost of*  
9 *\$147,800,000, with an estimated Federal cost of*  
10 *\$73,900,000 and an estimated non-Federal cost of*  
11 *\$73,900,000.*

12          (2) *The uncompleted portions of the Martin*  
13 *County, Florida, modifications to the project for Cen-*  
14 *tral and Southern Florida, authorized by section 203*  
15 *of the Flood Control Act of 1968 (82 Stat. 740), at*  
16 *a total cost of \$15,471,000, with an estimated Federal*  
17 *cost of \$8,073,000 and an estimated non-Federal cost*  
18 *of \$7,398,000.*

19          (3) *The uncompleted portions of the East Coast*  
20 *Backpumping, St. Lucie–Martin County, Spillway*  
21 *Structure S-311 modifications to the project for Cen-*  
22 *tral and Southern Florida, authorized by section 203*  
23 *of the Flood Control Act of 1968 (82 Stat. 740), at*  
24 *a total cost of \$77,118,000, with an estimated Federal*  
25 *cost of \$55,124,000 and an estimated non-Federal cost*  
26 *of \$21,994,000.*

1 **SEC. 6010. REGIONAL ENGINEERING MODEL FOR ENVIRON-**  
 2 **MENTAL RESTORATION.**

3 (a) *IN GENERAL.*—*The Secretary shall complete the*  
 4 *development and testing of the regional engineering model*  
 5 *for environmental restoration as expeditiously as prac-*  
 6 *ticable.*

7 (b) *USAGE.*—*The Secretary shall consider using, as*  
 8 *appropriate, the regional engineering model for environ-*  
 9 *mental restoration in the development of future water re-*  
 10 *source projects, including projects developed pursuant to*  
 11 *section 601 of the Water Resources Development Act of 2000*  
 12 *(114 Stat. 2680).*

13 (c) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*  
 14 *authorized to be appropriated \$10,000,000 to carry out sub-*  
 15 *section (a).*

16 **TITLE VII—LOUISIANA COASTAL**  
 17 **AREA**

18 **SEC. 7001. DEFINITIONS.**

19 *In this title, the following definitions apply:*

20 (1) *COASTAL LOUISIANA ECOSYSTEM.*—*The term*  
 21 *“coastal Louisiana ecosystem” means the coastal area*  
 22 *of Louisiana from the Sabine River on the west to the*  
 23 *Pearl River on the east, including those parts of the*  
 24 *Deltaic Plain and the Chenier Plain included within*  
 25 *the study area of the Plan.*

1           (2) *GOVERNOR.*—*The term “Governor” means*  
2           *the Governor of the State of Louisiana.*

3           (3) *PLAN.*—*The term “Plan” means the report of*  
4           *the Chief of Engineers for ecosystem restoration for*  
5           *the Louisiana Coastal Area dated January 31, 2005.*

6           (4) *TASK FORCE.*—*The term “Task Force”*  
7           *means the Coastal Louisiana Ecosystem Protection*  
8           *and Restoration Task Force established by section*  
9           *7003.*

10 ***SEC. 7002. COMPREHENSIVE PLAN.***

11          (a) *IN GENERAL.*—*The Secretary, in coordination*  
12          *with the Governor, shall develop a comprehensive plan for*  
13          *protecting, preserving, and restoring the coastal Louisiana*  
14          *ecosystem.*

15          (b) *INTEGRATION OF PLAN INTO COMPREHENSIVE*  
16          *HURRICANE PROTECTION STUDY.*—*In developing the com-*  
17          *prehensive plan, the Secretary shall integrate the plan into*  
18          *the analysis and design of the comprehensive hurricane pro-*  
19          *tection study authorized by title I of the Energy and Water*  
20          *Development Appropriations Act, 2006 (Public Law 109–*  
21          *103; 119 Stat. 2247).*

22          (c) *CONSISTENCY WITH COMPREHENSIVE COASTAL*  
23          *PROTECTION MASTER PLAN.*—*In developing the com-*  
24          *prehensive plan, the Secretary shall ensure that the plan*  
25          *is consistent with the goals, analysis, and design of the com-*



1 *prehensive coastal protection master plan authorized and*  
2 *defined pursuant to Act 8 of the First Extraordinary Ses-*  
3 *sion of the Louisiana State Legislature, 2005, including—*

4       *(1) investigation and study of the maximum ef-*  
5 *fective use of the water and sediment of the Mis-*  
6 *sissippi and Atchafalaya Rivers for coastal restora-*  
7 *tion purposes consistent with flood control and navi-*  
8 *gation;*

9       *(2) a schedule for the design and implementation*  
10 *of large-scale water and sediment reintroduction*  
11 *projects and an assessment of funding needs from any*  
12 *source; and*

13       *(3) an investigation and assessment of alter-*  
14 *ations in the operation of the Old River Control*  
15 *Structure, consistent with flood control and naviga-*  
16 *tion purposes.*

17       *(d) INCLUSIONS.—The comprehensive plan shall in-*  
18 *clude a description of—*

19       *(1) the framework of a long-term program inte-*  
20 *grated with hurricane and storm damage reduction,*  
21 *flood damage reduction, and navigation activities*  
22 *that provide for the comprehensive protection, con-*  
23 *servation, and restoration of the wetlands, estuaries*  
24 *(including the Barataria-Terrebonne estuary), barrier*  
25 *islands, shorelines, and related land and features of*

1       *the coastal Louisiana ecosystem, including protection*  
2       *of critical resources, habitat, and infrastructure from*  
3       *the effects of a coastal storm, a hurricane, erosion, or*  
4       *subsidence;*

5               *(2) the means by which a new technology, or an*  
6       *improved technique, can be integrated into the pro-*  
7       *gram referred to in paragraph (1);*

8               *(3) the role of other Federal and State agencies*  
9       *and programs in carrying out such program;*

10              *(4) specific, measurable ecological success criteria*  
11       *by which success of the plan will be measured; and*

12              *(5) proposed projects in order of priority as de-*  
13       *termined by their respective potential to contribute*  
14       *to—*

15                      *(A) creation of coastal wetlands; and*

16                      *(B) flood protection of communities ranked*  
17                      *by population density and level of protection.*

18       *(e) CONSIDERATIONS.—In developing the comprehen-*  
19       *sive plan, the Secretary shall consider the advisability of*  
20       *integrating into the program referred to in subsection*  
21       *(d)(1)—*

22              *(1) any related Federal or State project being*  
23       *carried out on the date on which the plan is devel-*  
24       *oped;*

25              *(2) any activity in the Plan; or*

1           (3) *any other project or activity identified in—*

2                   (A) *the Mississippi River and Tributaries*  
3           *program;*

4                   (B) *the Louisiana Coastal Wetlands Con-*  
5           *servation Plan;*

6                   (C) *the Louisiana Coastal Zone Manage-*  
7           *ment Plan; or*

8                   (D) *the plan of the State of Louisiana enti-*  
9           *tled “Coast 2050: Toward a Sustainable Coastal*  
10          *Louisiana”.*

11          (f) *REPORTS TO CONGRESS.—*

12               (1) *INITIAL REPORT.—Not later than 1 year*  
13          *after the date of enactment of this Act, the Secretary*  
14          *shall submit to Congress a report containing the com-*  
15          *prehensive plan.*

16               (2) *UPDATES.—Not later than 5 years after the*  
17          *date of submission of a report under paragraph (1),*  
18          *and at least once every 5 years thereafter until imple-*  
19          *mentation of the comprehensive plan is complete, the*  
20          *Secretary shall submit to Congress a report con-*  
21          *taining an update of the plan and an assessment of*  
22          *the progress made in implementing the plan.*

23          **SEC. 7003. LOUISIANA COASTAL AREA.**

24               (a) *IN GENERAL.—The Secretary may carry out a*  
25          *program for ecosystem restoration, Louisiana Coastal Area,*

1 *Louisiana, substantially in accordance with the report of*  
2 *the Chief of Engineers, dated January 31, 2005.*

3 *(b) PRIORITIES.—*

4 *(1) IN GENERAL.—In carrying out the program*  
5 *under subsection (a), the Secretary shall give priority*  
6 *to—*

7 *(A) any portion of the program identified*  
8 *in the report described in subsection (a) as a*  
9 *critical restoration feature;*

10 *(B) any Mississippi River diversion project*  
11 *that—*

12 *(i) will protect a major population*  
13 *area of the Pontchartrain, Pearl, Breton*  
14 *Sound, Barataria, or Terrebonne basins;*  
15 *and*

16 *(ii) will produce an environmental*  
17 *benefit to the coastal Louisiana ecosystem;*

18 *(C) any barrier island, or barrier shoreline,*  
19 *project that—*

20 *(i) will be carried out in conjunction*  
21 *with a Mississippi River diversion project;*  
22 *and*

23 *(ii) will protect a major population*  
24 *area;*

1           (D) any project that will reduce storm surge  
2           and prevent or reduce the risk of loss of human  
3           life and the risk to public safety; and

4           (E) a project to physically modify the Mis-  
5           sissippi River-Gulf outlet and to restore the  
6           areas affected by the Mississippi River-Gulf out-  
7           let in accordance with the comprehensive plan to  
8           be developed under section 7002(a), subject to the  
9           conditions and recommendations in a final re-  
10          port of the Chief of Engineers.

11 **SEC. 7004. COASTAL LOUISIANA ECOSYSTEM PROTECTION**  
12 **AND RESTORATION TASK FORCE.**

13          (a) *ESTABLISHMENT.*—There is established a task force  
14 to be known as the Coastal Louisiana Ecosystem Protection  
15 and Restoration Task Force (in this section referred to as  
16 the “Task Force”).

17          (b) *MEMBERSHIP.*—The Task Force shall consist of the  
18 following members (or, in the case of the head of a Federal  
19 agency, a designee at the level of Assistant Secretary or an  
20 equivalent level):

21           (1) *The Secretary.*

22           (2) *The Secretary of the Interior.*

23           (3) *The Secretary of Commerce.*

24           (4) *The Administrator of the Environmental*  
25 *Protection Agency.*

1           (5) *The Secretary of Agriculture.*

2           (6) *The Secretary of Transportation.*

3           (7) *The Secretary of Energy.*

4           (8) *The Director of the Federal Emergency Man-*  
5 *agement Agency.*

6           (9) *The Commandant of the Coast Guard.*

7           (10) *The Coastal Advisor to the Governor.*

8           (11) *The Secretary of the Louisiana Department*  
9 *of Natural Resources.*

10          (12) *A representative of the Governor's Advisory*  
11 *Commission on Coastal Restoration and Conserva-*  
12 *tion.*

13          (c) *DUTIES.—The Task Force shall make recommenda-*  
14 *tions to the Secretary regarding—*

15               (1) *policies, strategies, plans, programs, projects,*  
16 *and activities for addressing conservation, protection,*  
17 *restoration, and maintenance of the coastal Louisiana*  
18 *ecosystem;*

19               (2) *financial participation by each agency rep-*  
20 *resented on the Task Force in conserving, protecting,*  
21 *restoring, and maintaining the coastal Louisiana eco-*  
22 *system, including recommendations—*

23                       (A) *that identify funds from current agency*  
24 *missions and budgets; and*

1                   (B) *for coordinating individual agency*  
2                   *budget requests; and*

3                   (3) *the comprehensive plan to be developed under*  
4                   *section 7002(a).*

5           (d) *REPORT.—The Task Force shall submit to Con-*  
6           *gress a biennial report that summarizes the activities of the*  
7           *Task Force.*

8           (e) *WORKING GROUPS.—*

9                   (1) *GENERAL AUTHORITY.—The Task Force may*  
10           *establish such working groups as the Task Force de-*  
11           *termines to be necessary to assist the Task Force in*  
12           *carrying out this section.*

13                   (2) *HURRICANES KATRINA AND RITA.—*

14                   (A) *IN GENERAL.—The Task Force may es-*  
15           *tablish a working group for the purpose of advis-*  
16           *ing the Task Force of opportunities to integrate*  
17           *the planning, engineering, design, implementa-*  
18           *tion, and performance of Corps of Engineers*  
19           *projects for hurricane and storm damage reduc-*  
20           *tion, flood damage reduction, ecosystem restora-*  
21           *tion, and navigation in those areas in Louisiana*  
22           *for which a major disaster has been declared by*  
23           *the President as a result of Hurricane Katrina*  
24           *or Rita.*

1                   (B) *EXPERTISE; REPRESENTATION.*—*In es-*  
2                   *tablishing the working group under subpara-*  
3                   *graph (A), the Task Force shall ensure that the*  
4                   *group—*

5                   (i) *has expertise in coastal estuaries,*  
6                   *diversions, coastal restoration and wetlands*  
7                   *protection, ecosystem restoration, hurricane*  
8                   *protection, storm damage reduction systems,*  
9                   *navigation, and ports; and*

10                  (ii) *represents the State of Louisiana*  
11                  *and local governments in south Louisiana.*

12               (f) *COMPENSATION.*—*Members of the Task Force and*  
13               *members of a working group established by the Task Force*  
14               *may not receive compensation for their services as members*  
15               *of the Task Force or working group, as the case may be.*

16               (g) *TRAVEL EXPENSES.*—*Travel expenses incurred by*  
17               *members of the Task Force and members of a working group*  
18               *established by the Task Force, in the performance of their*  
19               *service on the Task Force or working group, as the case*  
20               *may be, shall be paid by the agency or entity that the mem-*  
21               *ber represents.*

22               (h) *NONAPPLICABILITY OF FACA.*—*The Federal Advi-*  
23               *sory Committee Act (5 U.S.C. App.) shall not apply to the*  
24               *Task Force or any working group established by the Task*  
25               *Force.*



1 **SEC. 7005. PROJECT MODIFICATIONS.**

2       (a) *REVIEW.*—*The Secretary, in cooperation with the*  
3 *non-Federal interest of the project involved, shall review*  
4 *each Federally-authorized water resources project in the*  
5 *coastal Louisiana ecosystem being carried out or completed*  
6 *as of the date of enactment of this Act to determine whether*  
7 *the project needs to be modified—*

8               (1) *under the program authorized by section*  
9       7003; or

10              (2) *to contribute to ecosystem restoration under*  
11       *section 7003.*

12       (b) *MODIFICATIONS.*—*Subject to subsections (c) and*  
13 *(d), the Secretary may carry out the modifications de-*  
14 *scribed in subsection (a).*

15       (c) *PUBLIC NOTICE AND COMMENT.*—*Before com-*  
16 *pleting the report required under subsection (d), the Sec-*  
17 *retary shall provide an opportunity for public notice and*  
18 *comment.*

19       (d) *REPORT.*—

20              (1) *IN GENERAL.*—*Before modifying an oper-*  
21 *ation or feature of a project under subsection (b), the*  
22 *Secretary shall submit to the Committee on Transpor-*  
23 *tation and Infrastructure of the House of Representa-*  
24 *tives and the Committee on Environment and Public*  
25 *Works of the Senate a report describing the modifica-*  
26 *tion.*

1           (2) *INCLUSION.*—*A report describing a modifica-*  
 2           *tion under paragraph (1) shall include such informa-*  
 3           *tion relating to the timeline for and cost of the modi-*  
 4           *fication, as the Secretary determines to be relevant.*

5           (e) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*  
 6           *authorized to be appropriated to carry out this section*  
 7           *\$10,000,000.*

8   **SEC. 7006. CONSTRUCTION.**

9           (a) *SCIENCE AND TECHNOLOGY.*—

10           (1) *IN GENERAL.*—*The Secretary shall carry out*  
 11           *a coastal Louisiana ecosystem program substantially*  
 12           *in accordance with the Plan, at a total cost of*  
 13           *\$100,000,000.*

14           (2) *PURPOSES.*—*The purposes of the program*  
 15           *under paragraph (1) shall be—*

16                   (A) *to identify any uncertainty relating to*  
 17                   *the physical, chemical, geological, biological, and*  
 18                   *cultural baseline conditions in coastal Louisiana*  
 19                   *ecosystem;*

20                   (B) *to improve knowledge of the physical,*  
 21                   *chemical, geological, biological, and cultural*  
 22                   *baseline conditions in coastal Louisiana eco-*  
 23                   *system; and*

24                   (C) *to identify and develop technologies,*  
 25                   *models, and methods to carry out this subsection.*

1           (3) *WORKING GROUPS.*—*The Secretary may es-*  
2           *tablish such working groups as the Secretary deter-*  
3           *mines to be necessary to assist the Secretary in car-*  
4           *rying out this subsection.*

5           (4) *CONTRACTS AND COOPERATIVE AGREE-*  
6           *MENTS.*—*In carrying out this subsection, the Sec-*  
7           *retary may enter into a contract or cooperative agree-*  
8           *ment with an individual or entity (including a con-*  
9           *sortium of academic institutions in Louisiana) with*  
10          *scientific or engineering expertise in the restoration of*  
11          *aquatic and marine ecosystems for coastal restoration*  
12          *and enhancement through science and technology.*

13          (b) *DEMONSTRATION PROJECTS.*—

14               (1) *IN GENERAL.*—*Subject to paragraph (2), the*  
15               *Secretary may carry out demonstration projects sub-*  
16               *stantially in accordance with the Plan and within the*  
17               *coastal Louisiana ecosystem for the purpose of resolv-*  
18               *ing critical areas of scientific or technological uncer-*  
19               *tainty related to the implementation of the com-*  
20               *prehensive plan to be developed under section 7002(a).*

21               (2) *MAXIMUM COST.*—

22                       (A) *TOTAL COST.*—*The total cost for plan-*  
23                       *ning, design, and construction of all projects*  
24                       *under this subsection shall not exceed*  
25                       *\$100,000,000.*

1                   (B) *INDIVIDUAL PROJECT.*—*The total cost of*  
 2                   *an individual project under this subsection shall*  
 3                   *not exceed \$25,000,000.*

4                   (c) *INITIAL PROJECTS.*—

5                   (1) *IN GENERAL.*—*The Secretary is authorized to*  
 6                   *carry out the following projects substantially in ac-*  
 7                   *cordance with the Plan:*

8                   (A) *Mississippi River Gulf Outlet environ-*  
 9                   *mental restoration at a total cost of*  
 10                   *\$105,300,000.*

11                   (B) *Small diversion at Hope Canal at a*  
 12                   *total cost of \$68,600,000.*

13                   (C) *Barataria basin barrier shoreline res-*  
 14                   *toration at a total cost of \$242,600,000.*

15                   (D) *Small Bayou Lafourche reintroduction*  
 16                   *at a total cost of \$133,500,000.*

17                   (E) *Medium diversion at Myrtle Grove with*  
 18                   *dedicated dredging at a total cost of*  
 19                   *\$278,300,000.*

20                   (2) *MODIFICATIONS.*—

21                   (A) *IN GENERAL.*—*In carrying out each*  
 22                   *project under paragraph (1), the Secretary shall*  
 23                   *carry out such modifications as may be nec-*  
 24                   *essary to the ecosystem restoration features iden-*  
 25                   *tified in the Plan to address the impacts of Hur-*

1            *ricanes Katrina and Rita on the areas of the*  
2            *project.*

3            *(B) INTEGRATION.—The Secretary shall en-*  
4            *sure that each modification under subparagraph*  
5            *(A) is taken into account in conducting the*  
6            *study of comprehensive hurricane protection au-*  
7            *thorized by title I of the Energy and Water De-*  
8            *velopment Appropriations Act, 2006 (119 Stat.*  
9            *2247).*

10          *(3) CONSTRUCTION REPORTS.—Before the Sec-*  
11          *retary may begin construction of any project under*  
12          *this subsection, the Secretary shall submit a report*  
13          *documenting any modifications to the project, includ-*  
14          *ing cost changes, to the Committee on Transportation*  
15          *and Infrastructure of the House of Representatives*  
16          *and the Committee on Environment and Public*  
17          *Works of the Senate.*

18          *(4) APPLICABILITY OF OTHER PROVISIONS.—Not-*  
19          *withstanding section 902 of the Water Resources De-*  
20          *velopment Act of 1986 (33 U.S.C. 2280), the cost of*  
21          *a project described in paragraph (1) and any modi-*  
22          *fications to the project shall not exceed 150 percent of*  
23          *the cost of such project set forth in paragraph (1).*

24          *(d) BENEFICIAL USE OF DREDGED MATERIAL.—The*  
25          *Secretary, substantially in accordance with the Plan, shall*

1 *implement in the coastal Louisiana ecosystem a program*  
2 *for the beneficial use of material dredged from federally*  
3 *maintained waterways at a total cost of \$100,000,000.*

4 *(e) ADDITIONAL PROJECTS.—*

5 *(1) IN GENERAL.—The Secretary is authorized to*  
6 *carry out a project for ecosystem restoration for the*  
7 *Chenier Plain, Louisiana, and the following projects*  
8 *referred to in the Plan if the Secretary determines*  
9 *such projects are feasible:*

10 *(A) Land Bridge between Caillou Lake and*  
11 *the Gulf of Mexico at a total cost of \$56,300,000.*

12 *(B) Gulf Shoreline at Point Au Fer Island*  
13 *at a total cost of \$43,400,000.*

14 *(C) Modification of Caernarvon Diversion*  
15 *at a total cost of \$20,700,000.*

16 *(D) Modification of Davis Pond Diversion*  
17 *at a total cost of \$64,200,000.*

18 *(2) REPORTS.—Not later than December 31,*  
19 *2009, the Secretary shall submit feasibility reports on*  
20 *the projects described in paragraph (1) to the Com-*  
21 *mittee on Transportation and Infrastructure of the*  
22 *House of Representatives and the Committee on Envi-*  
23 *ronment and Public Works of the Senate.*

24 *(3) CONSTRUCTION.—No appropriations shall be*  
25 *made to construct any project under this subsection if*

1       *the report under paragraph (2) has not been approved*  
2       *by resolutions adopted by the Committee on Trans-*  
3       *portation and Infrastructure of the House of Rep-*  
4       *resentatives and the Committee on Environment and*  
5       *Public Works of the Senate.*

6   **SEC. 7007. NON-FEDERAL COST SHARE.**

7       *(a) CREDIT.—The Secretary shall credit toward the*  
8       *non-Federal share of the cost of a study or project under*  
9       *this title the cost of work carried out in the coastal Lou-*  
10      *isiana ecosystem by the non-Federal interest before the date*  
11      *of the execution of the partnership agreement for the study*  
12      *or project if the Secretary determines that the work is inte-*  
13      *gral to the study or project.*

14      *(b) SOURCES OF FUNDS.—The non-Federal interest*  
15      *may use, and the Secretary shall accept, funds provided*  
16      *under any other Federal program to satisfy, in whole or*  
17      *in part, the non-Federal share of the construction of any*  
18      *project carried out under this section if such funds are au-*  
19      *thorized to be used to carry out such project.*

20      *(c) TREATMENT OF CREDIT BETWEEN PROJECTS.—*  
21      *Any credit provided under this section toward the non-Fed-*  
22      *eral share of the cost of a study or project under this title*  
23      *may be applied toward the non-Federal share of the cost*  
24      *of any other study or project under this title.*

25      *(d) PERIODIC MONITORING.—*

1           (1) *IN GENERAL.*—*To ensure that the contribu-*  
2           *tions of the non-Federal interest equal the non-Fed-*  
3           *eral share of the cost of a study or project under this*  
4           *title during each 5-year period beginning after the*  
5           *date of commencement of the first study or project*  
6           *under this title, the Secretary shall—*

7                   (A) *monitor for each study or project under*  
8                   *this title the non-Federal provision of cash, in-*  
9                   *kind services and materials, and land, ease-*  
10                  *ments, rights-of-way, relocations, and disposal*  
11                  *areas; and*

12                  (B) *manage the requirement of the non-Fed-*  
13                  *eral interest to provide for each such study or*  
14                  *project cash, in-kind services and materials, and*  
15                  *land, easements, rights-of-way, relocations, and*  
16                  *disposal areas.*

17           (2) *OTHER MONITORING.*—*The Secretary shall*  
18           *conduct monitoring separately for the study phase,*  
19           *construction phase, preconstruction engineering and*  
20           *design phase, and planning phase for each project au-*  
21           *thorized on or after date of enactment of this Act for*  
22           *all or any portion of the coastal Louisiana ecosystem.*

23           (e) *AUDITS.*—*Credit for land, easements, rights-of-*  
24           *way, relocations, and disposal areas (including land value*  
25           *and incidental costs) provided under this section, and the*



1 *cost of work provided under this section, shall be subject*  
2 *to audit by the Secretary.*

3 **SEC. 7008. PROJECT JUSTIFICATION.**

4 *(a) IN GENERAL.—Notwithstanding section 209 of the*  
5 *Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other*  
6 *provision of law, in carrying out any project or activity*  
7 *under this title or any other provision of law to protect,*  
8 *conserve, and restore the coastal Louisiana ecosystem, the*  
9 *Secretary may determine that—*

10 *(1) the project or activity is justified by the envi-*  
11 *ronmental benefits derived by the coastal Louisiana*  
12 *ecosystem; and*

13 *(2) no further economic justification for the*  
14 *project or activity is required if the Secretary deter-*  
15 *mines that the project or activity is cost effective.*

16 *(b) LIMITATION ON APPLICABILITY.—Subsection (a)*  
17 *shall not apply to any separable element of a project in-*  
18 *tended to produce benefits that are predominantly unrelated*  
19 *to the protection, preservation, and restoration of the coast-*  
20 *al Louisiana ecosystem.*

21 **SEC. 7009. INDEPENDENT REVIEW.**

22 *The Secretary shall establish the Louisiana Water Re-*  
23 *sources Council which shall serve as the exclusive peer re-*  
24 *view panel for projects under this title as required by sec-*  
25 *tion 2037 of this Act.*

1 **SEC. 7010. EXPEDITED REPORTS.**

2       *The Secretary shall expedite completion of the reports*  
3 *for the following projects and, if the Secretary determines*  
4 *that a project is justified in the completed report, proceed*  
5 *directly to project preconstruction engineering and design:*

6           (1) *The projects identified in the study of com-*  
7 *prehensive hurricane protection authorized by title I*  
8 *of the Energy and Water Development Appropria-*  
9 *tions Act, 2006 (119 Stat. 2447).*

10          (2) *A project for ecosystem restoration for the*  
11 *Chenier Plain, Louisiana.*

12          (3) *The project for Multipurpose Operation of*  
13 *Houma Navigation Lock.*

14          (4) *The project for Terrebonne Basin Barrier*  
15 *Shoreline Restoration.*

16          (5) *The project for Small Diversion at Convent/*  
17 *Blind River.*

18          (6) *The project for Amite River Diversion Canal*  
19 *Modification.*

20          (7) *The project for Medium Diversion at White's*  
21 *Ditch.*

22          (8) *The project to convey Atchafalaya River*  
23 *Water to Northern Terrebonne Marshes.*

24          (9) *The projects identified in the Southwest*  
25 *Coastal Louisiana hurricane and storm damage re-*  
26 *duction study authorized by the Committee on Trans-*

1        *portation and Infrastructure of the House of Rep-*  
2        *resentatives on December 7, 2005.*

3    **SEC. 7011. REPORTING.**

4        *(a) IN GENERAL.—Not later than 6 years after the*  
5        *date of enactment of this Act, the Secretary shall submit*  
6        *to the Committee on Transportation and Infrastructure of*  
7        *the House of Representatives and the Committee on Envi-*  
8        *ronment and Public Works of the Senate a report including*  
9        *a description of—*

10            *(1) the projects authorized and undertaken under*  
11            *this title;*

12            *(2) the construction status of the projects;*

13            *(3) the cost to date and the expected final cost*  
14            *of each project undertaken under this title; and*

15            *(4) the benefits and environmental impacts of the*  
16            *projects.*

17        *(b) EXTERNAL REVIEW.—The Secretary shall enter*  
18        *into a contract with the National Academy of Sciences*  
19        *under which the National Academy of Sciences shall per-*  
20        *form and submit to the Committee on Transportation and*  
21        *Infrastructure of the House of Representatives and the Com-*  
22        *mittee on Environment and Public Works of the Senate an*  
23        *external review of the demonstration program authorized*  
24        *by subsection 7006(b).*

1 **SEC. 7012. NEW ORLEANS AND VICINITY.**

2 (a) *IN GENERAL.*—*The Secretary is authorized to—*

3 (1) *raise levee heights where necessary and other-*  
4 *wise enhance the Lake Pontchartrain and Vicinity*  
5 *Project and the West Bank and Vicinity Project to*  
6 *provide the levels of protection necessary to achieve*  
7 *the certification required for participation in the na-*  
8 *tional flood insurance program under the National*  
9 *Flood Insurance Act of 1965 (42 U.S.C. 2001 et seq.);*

10 (2) *modify the 17th Street, Orleans Avenue, and*  
11 *London Avenue drainage canals and install pumps*  
12 *and closure structures at or near the lakefront at*  
13 *Lake Pontchartrain;*

14 (3) *armor critical elements of the New Orleans*  
15 *hurricane and storm damage reduction system;*

16 (4) *modify the Inner Harbor Navigation Canal*  
17 *to increase the reliability of the flood protection sys-*  
18 *tem for the city of New Orleans;*

19 (5) *replace or modify certain non-Federal levees*  
20 *in Plaquemines Parish to incorporate the levees into*  
21 *the New Orleans to Venice Hurricane Protection*  
22 *Project;*

23 (6) *reinforce or replace flood walls in the existing*  
24 *Lake Pontchartrain and Vicinity Project and the ex-*  
25 *isting West Bank and Vicinity Project to improve*

1        *performance of the flood and storm damage reduction*  
2        *systems;*

3            (7) *perform one time stormproofing of interior*  
4        *pump stations to ensure the operability of the stations*  
5        *during hurricanes, storms, and high water events;*

6            (8) *repair, replace, modify and improve non-*  
7        *Federal levees and associated protection measures in*  
8        *Terrebonne Parish; and*

9            (9) *reduce the risk of storm damage to the great-*  
10       *er New Orleans metropolitan area by restoring the*  
11       *surrounding wetlands through measures to begin to*  
12       *reverse wetland losses in areas affected by navigation,*  
13       *oil and gas, and other channels and through modi-*  
14       *fication of the Caernarvon Freshwater Diversion*  
15       *structure or its operations.*

16        (b) *FUNDING AUTHORITY.—Activities authorized by*  
17       *subsection (a) and section 7013 shall be carried out in a*  
18       *manner that is consistent with the cost-sharing require-*  
19       *ments specified in the Emergency Supplemental Appropria-*  
20       *tions Act for Defense, the Global War on Terror, and Hurri-*  
21       *cane Recovery, 2006 (Public Law 109–234).*

22        (c) *CONDITIONS.—The Secretary shall notify the Com-*  
23       *mittee on Transportation and Infrastructure of the House*  
24       *of Representatives and the Committee on Environment and*  
25       *Public Works of the Senate if estimates for the expenditure*

1 of funds on any single project or activity identified in sub-  
 2 section (a) exceeds the amount specified for that project or  
 3 activity in the *Emergency Supplemental Appropriations*  
 4 *Act for Defense, the Global War on Terror, and Hurricane*  
 5 *Recovery, 2006 (Public Law 109–234)*. No appropriation  
 6 in excess of 25 percent above the amount specified for a  
 7 project or activity in such Act shall be made until an in-  
 8 crease in the level of expenditure has been approved by reso-  
 9 lutions adopted by the Committee on Transportation and  
 10 Infrastructure of the House of Representatives and the Com-  
 11 mittee on Environment and Public Works of the Senate.

12 **SEC. 7013. MISSISSIPPI RIVER GULF OUTLET.**

13 (a) *IN GENERAL.*—The project for navigation, Mis-  
 14 sissippi River-Gulf outlet, authorized by the Act entitled  
 15 “An Act to authorize construction of the Mississippi River-  
 16 Gulf outlet”, approved March 29, 1956 (70 Stat. 65), as  
 17 modified by section 844 of the *Water Resources Development*  
 18 *Act of 1986 (100 Stat. 4177)*, is not authorized.

19 (b) *PLAN FOR CLOSURE AND RESTORATION.*—The Sec-  
 20 retary shall carry out a study and implement a project to  
 21 physically modify the Mississippi River-Gulf outlet and to  
 22 restore the areas affected by the Mississippi River-Gulf out-  
 23 let in accordance with the plan to be developed under sec-  
 24 tion 7002(a), subject to the conditions and recommenda-  
 25 tions in a final report of the Chief of Engineers if a favor-

1 *able report of the Chief is completed not later than 180 days*  
 2 *after the date of enactment of this Act. The plan shall incor-*  
 3 *porate the recommendations of the Interim Mississippi*  
 4 *River Gulf Outlet Deep-Draft De-Authorization Report sub-*  
 5 *mitted to Congress in December 2006.*

6 *(c) REPORT TO CONGRESS.—Not later than 180 days*  
 7 *after the date of enactment of this Act, the Secretary shall*  
 8 *submit to the Committee on Transportation and Infrastruc-*  
 9 *ture of the House of Representatives and the Committee on*  
 10 *Environment and Public Works of the Senate a report on*  
 11 *the project described in subsection (b).*

12 *(d) AUTHORIZATION OF APPROPRIATIONS.—There is*  
 13 *authorized to be appropriated \$5,000,000 for the costs of*  
 14 *carrying out the study and developing the report of the*  
 15 *Chief of Engineers required by subsection (b). Such costs*  
 16 *shall be a Federal expense.*

17 **TITLE VIII—UPPER MISSISSIPPI**  
 18 **RIVER AND ILLINOIS WATER-**  
 19 **WAY SYSTEM**

20 **SEC. 8001. DEFINITIONS.**

21 *In this title, the following definitions apply:*

22 *(1) PLAN.—The term “Plan” means the project*  
 23 *for navigation and ecosystem improvements for the*  
 24 *Upper Mississippi River and Illinois Waterway Sys-*

1        *tem: Report of the Chief of Engineers, dated December*  
2        *15, 2004.*

3            (2) *UPPER MISSISSIPPI RIVER AND ILLINOIS WA-*  
4        *TERWAY SYSTEM.—The term “Upper Mississippi*  
5        *River and Illinois Waterway System” means the*  
6        *projects for navigation and ecosystem restoration au-*  
7        *thorized by Congress for—*

8            (A) *the segment of the Mississippi River*  
9        *from the confluence with the Ohio River, River*  
10       *Mile 0.0, to Upper St. Anthony Falls Lock in*  
11       *Minneapolis-St. Paul, Minnesota, River Mile*  
12       *854.0; and*

13           (B) *the Illinois Waterway from its con-*  
14       *fluence with the Mississippi River at Grafton, Il-*  
15       *linois, River Mile 0.0, to T.J. O’Brien Lock in*  
16       *Chicago, Illinois, River Mile 327.0.*

17       **SEC. 8002. NAVIGATION IMPROVEMENTS AND RESTORA-**  
18       **TION.**

19        *Except as modified by this title, the Secretary shall*  
20       *undertake navigation improvements and restoration of the*  
21       *ecosystem for the Upper Mississippi River and Illinois*  
22       *Water System substantially in accordance with the Plan*  
23       *and subject to the conditions described therein.*



1 **SEC. 8003. AUTHORIZATION OF CONSTRUCTION OF NAVIGA-**  
2 **TION IMPROVEMENTS.**

3 (a) *SMALL SCALE AND NONSTRUCTURAL MEAS-*  
4 *URES.—*

5 (1) *IN GENERAL.—The Secretary shall—*

6 (A) *construct mooring facilities at Locks 12,*  
7 *14, 18, 20, 22, 24, and LaGrange Lock or other*  
8 *alternative locations that are economically and*  
9 *environmentally feasible;*

10 (B) *provide switchboats at Locks 20 through*  
11 *25; and*

12 (C) *conduct development and testing of an*  
13 *appointment scheduling system.*

14 (2) *AUTHORIZATION OF APPROPRIATIONS.—The*  
15 *total cost of projects authorized under this subsection*  
16 *shall be \$235,000,000. Such costs are to be paid 1/2*  
17 *from amounts appropriated from the general fund of*  
18 *the Treasury and 1/2 from amounts appropriated*  
19 *from the Inland Waterways Trust Fund. Such sums*  
20 *shall remain available until expended.*

21 (b) *NEW LOCKS.—*

22 (1) *IN GENERAL.—The Secretary shall construct*  
23 *new 1,200-foot locks at Locks 20, 21, 22, 24, and 25*  
24 *on the Upper Mississippi River and at LaGrange*  
25 *Lock and Peoria Lock on the Illinois Waterway.*

1           (2) *AUTHORIZATION OF APPROPRIATIONS.*—*The*  
2       *total cost of projects authorized under this subsection*  
3       *shall be \$1,795,000,000. Such costs are to be paid 1/*  
4       *2 from amounts appropriated from the general fund*  
5       *of the Treasury and 1/2 from amounts appropriated*  
6       *from the Inland Waterways Trust Fund. Such sums*  
7       *shall remain available until expended.*

8       (c) *CONCURRENCE.*—*The mitigation required for the*  
9       *projects authorized under subsections (a) and (b), including*  
10      *any acquisition of lands or interests in lands, shall be un-*  
11      *dertaken or acquired concurrently with lands and interests*  
12      *in lands for the projects authorized under subsections (a)*  
13      *and (b), and physical construction required for the purposes*  
14      *of mitigation shall be undertaken concurrently with the*  
15      *physical construction of such projects.*

16   **SEC. 8004. ECOSYSTEM RESTORATION AUTHORIZATION.**

17       (a) *OPERATION.*—*To ensure the environmental sus-*  
18      *tainability of the existing Upper Mississippi River and Illi-*  
19      *nois Waterway System, the Secretary shall modify, con-*  
20      *sistent with requirements to avoid adverse effects on naviga-*  
21      *tion, the operation of the Upper Mississippi River and Illi-*  
22      *nois Waterway System to address the cumulative environ-*  
23      *mental impacts of operation of the system and improve the*  
24      *ecological integrity of the Upper Mississippi River and Illi-*  
25      *nois River.*

1       **(b) ECOSYSTEM RESTORATION PROJECTS.—**

2               **(1) IN GENERAL.—***The Secretary shall carry out,*  
3       *consistent with requirements to avoid adverse effects*  
4       *on navigation, ecosystem restoration projects to attain*  
5       *and maintain the sustainability of the ecosystem of*  
6       *the Upper Mississippi River and Illinois River in ac-*  
7       *cordance with the general framework outlined in the*  
8       *Plan.*

9               **(2) PROJECTS INCLUDED.—***Ecosystem restora-*  
10       *tion projects may include—*

11               **(A)** *island building;*

12               **(B)** *construction of fish passages;*

13               **(C)** *floodplain restoration;*

14               **(D)** *water level management (including*  
15       *water drawdown);*

16               **(E)** *backwater restoration;*

17               **(F)** *side channel restoration;*

18               **(G)** *wing dam and dike restoration and*  
19       *modification;*

20               **(H)** *island and shoreline protection;*

21               **(I)** *topographical diversity;*

22               **(J)** *dam point control;*

23               **(K)** *use of dredged material for environ-*  
24       *mental purposes;*

25               **(L)** *tributary confluence restoration;*

1           (M) spillway, dam, and levee modification  
2           to benefit the environment; and

3           (N) land and easement acquisition.

4           (3) COST SHARING.—

5           (A) IN GENERAL.—Except as provided in  
6           subparagraphs (B) and (C), the Federal share of  
7           the cost of carrying out an ecosystem restoration  
8           project under this subsection shall be 65 percent.

9           (B) EXCEPTION FOR CERTAIN RESTORATION  
10          PROJECTS.—In the case of a project under this  
11          section for ecosystem restoration, the Federal  
12          share of the cost of carrying out the project shall  
13          be 100 percent if the project—

14               (i) is located below the ordinary high  
15               water mark or in a connected backwater;

16               (ii) modifies the operation of structures  
17               for navigation; or

18               (iii) is located on federally owned land.

19          (C) SAVINGS CLAUSE.—Nothing in this sub-  
20          section affects the applicability of section 906(e)  
21          of the Water Resources Development Act of 1986  
22          (33 U.S.C. 2283(e)).

23          (D) NONGOVERNMENTAL ORGANIZATIONS.—  
24          Notwithstanding section 221 of the Flood Control  
25          Act of 1970 (42 U.S.C. 1962d–5b), for any

1           *project carried out under this title, a non-Fed-*  
2           *eral sponsor may include a nonprofit entity,*  
3           *with the consent of the affected local government.*

4           (4) *LAND ACQUISITION.*—*The Secretary may ac-*  
5           *quire land or an interest in land for an ecosystem*  
6           *restoration project from a willing seller through con-*  
7           *veyance of—*

8                     *(A) fee title to the land; or*

9                     *(B) a flood plain conservation easement.*

10          (c) *MONITORING.*—*The Secretary shall carry out a*  
11          *long term resource monitoring, computerized data inven-*  
12          *tory and analysis, and applied research program for the*  
13          *Upper Mississippi River and Illinois River to determine*  
14          *trends in ecosystem health, to understand systemic changes,*  
15          *and to help identify restoration needs. The program shall*  
16          *build upon the monitoring program established under sec-*  
17          *tion 1103(e)(1)(A)(ii) of the Water Resources Development*  
18          *Act of 1986 (33 U.S.C. 652(e)(1)(A)(ii)).*

19          (d) *ECOSYSTEM RESTORATION PRECONSTRUCTION EN-*  
20          *GINEERING AND DESIGN.*—

21                 (1) *RESTORATION DESIGN.*—*Before initiating the*  
22          *construction of any individual ecosystem restoration*  
23          *project, the Secretary shall—*

1           (A) establish ecosystem restoration goals  
2           and identify specific performance measures de-  
3           signed to demonstrate ecosystem restoration;

4           (B) establish the without-project condition  
5           or baseline for each performance indicator; and

6           (C) for each separable element of the eco-  
7           system restoration, identify specific target goals  
8           for each performance indicator.

9           (2) *OUTCOMES.*—Performance measures identi-  
10          fied under paragraph (1)(A) shall include specific  
11          measurable environmental outcomes, such as changes  
12          in water quality, hydrology, or the well-being of indi-  
13          cator species the population and distribution of which  
14          are representative of the abundance and diversity of  
15          ecosystem-dependent aquatic and terrestrial species.

16          (3) *RESTORATION DESIGN.*—Restoration design  
17          carried out as part of ecosystem restoration shall in-  
18          clude a monitoring plan for the performance measures  
19          identified under paragraph (1)(A), including—

20               (A) a timeline to achieve the identified tar-  
21               get goals; and

22               (B) a timeline for the demonstration of  
23               project completion.

24          (e) *CONSULTATION AND FUNDING AGREEMENTS.*—

1           (1) *IN GENERAL.*—*In carrying out the environ-*  
2           *mental sustainability, ecosystem restoration, and*  
3           *monitoring activities authorized in this section, the*  
4           *Secretary shall consult with the Secretary of the Inte-*  
5           *rior and the States of Illinois, Iowa, Minnesota, Mis-*  
6           *souri, and Wisconsin.*

7           (2) *FUNDING AGREEMENTS.*—*The Secretary is*  
8           *authorized to enter into agreements with the Sec-*  
9           *retary of the Interior, the Upper Mississippi River*  
10          *Basin Association, and natural resource and con-*  
11          *servation agencies of the States of Illinois, Iowa, Min-*  
12          *nesota, Missouri, and Wisconsin to provide for the di-*  
13          *rect participation of and transfer of funds to such en-*  
14          *tities for the planning, implementation, and evalua-*  
15          *tion of projects and programs established by this sec-*  
16          *tion.*

17          (f) *SPECIFIC PROJECTS AUTHORIZATION.*—

18               (1) *IN GENERAL.*—*There is authorized to be ap-*  
19               *propriated to carry out this subsection*  
20               *\$1,580,000,000, of which not more than \$226,000,000*  
21               *shall be available for projects described in subsection*  
22               *(b)(2)(B) and not more than \$43,000,000 shall be*  
23               *available for projects described in subsection (b)(2)(J).*  
24               *Such sums shall remain available until expended.*

1           (2) *LIMITATION ON AVAILABLE FUNDS.*—Of the  
2           amounts made available under paragraph (1), not  
3           more than \$35,000,000 in any fiscal year may be  
4           used for land acquisition under subsection (b)(4).

5           (3) *INDIVIDUAL PROJECT LIMIT.*—Other than for  
6           projects described in subparagraphs (B) and (J) of  
7           subsection (b)(2), the total cost of any single project  
8           carried out under this subsection shall not exceed  
9           \$25,000,000.

10          (4) *MONITORING.*—In addition to amounts au-  
11          thorized under paragraph (1), there are authorized  
12          \$10,420,000 per fiscal year to carry out the moni-  
13          toring program under subsection (c) if such sums are  
14          not appropriated pursuant to section 1103(e)(4) the  
15          Water Resources Development Act of 1986 (33 U.S.C.  
16          652(e)(4)).

17          (g) *IMPLEMENTATION REPORTS.*—

18               (1) *IN GENERAL.*—Not later than June 30, 2008,  
19               and every 4 years thereafter, the Secretary shall sub-  
20               mit to the Committee on Environment and Public  
21               Works of the Senate and the Committee on Transpor-  
22               tation and Infrastructure of the House of Representa-  
23               tives an implementation report that—



1           (A) includes baselines, milestones, goals,  
2           and priorities for ecosystem restoration projects;  
3           and

4           (B) measures the progress in meeting the  
5           goals.

6           (2) *ADVISORY PANEL.*—

7           (A) *IN GENERAL.*—The Secretary shall ap-  
8           point and convene an advisory panel to provide  
9           independent guidance in the development of each  
10          implementation report under paragraph (1).

11          (B) *PANEL MEMBERS.*—Panel members  
12          shall include—

13               (i) one representative of each of the  
14               State resource agencies (or a designee of the  
15               Governor of the State) from each of the  
16               States of Illinois, Iowa, Minnesota, Mis-  
17               souri, and Wisconsin;

18               (ii) one representative of the Depart-  
19               ment of Agriculture;

20               (iii) one representative of the Depart-  
21               ment of Transportation;

22               (iv) one representative of the United  
23               States Geological Survey;

24               (v) one representative of the United  
25               States Fish and Wildlife Service;

1                   (vi) one representative of the Environ-  
2                   mental Protection Agency;

3                   (vii) one representative of affected  
4                   landowners;

5                   (viii) two representatives of conserva-  
6                   tion and environmental advocacy groups;  
7                   and

8                   (ix) two representatives of agriculture  
9                   and industry advocacy groups.

10                  (C) CHAIRPERSON.—The Secretary shall  
11                  serve as chairperson of the advisory panel.

12                  (D) APPLICATION OF FEDERAL ADVISORY  
13                  COMMITTEE ACT.—The Advisory Panel and any  
14                  working group established by the Advisory Panel  
15                  shall not be considered an advisory committee  
16                  under the Federal Advisory Committee Act (5  
17                  U.S.C. App.).

18                  (h) RANKING SYSTEM.—

19                   (1) IN GENERAL.—The Secretary, in consultation  
20                   with the Advisory Panel, shall develop a system to  
21                   rank proposed projects.

22                   (2) PRIORITY.—The ranking system shall give  
23                   greater weight to projects that restore natural river  
24                   processes, including those projects listed in subsection

25                   (b)(2).

1 **SEC. 8005. COMPARABLE PROGRESS.**

2       (a) *IN GENERAL.*—As the Secretary conducts pre-engi-  
3 neering, design, and construction for projects authorized  
4 under this title, the Secretary shall—

5           (1) *select appropriate milestones;*

6           (2) *determine, at the time of such selection,*  
7 *whether the projects are being carried out at com-*  
8 *parable rates; and*

9           (3) *make an annual report to Congress, begin-*  
10 *ning in fiscal year 2008, regarding whether the*  
11 *projects are being carried out at a comparable rate.*

12       (b) *NO COMPARABLE RATE.*—If the Secretary or Con-  
13 gress determines under subsection (a)(2) that projects au-  
14 thorized under this title are not moving toward completion  
15 at a comparable rate, annual funding requests for the  
16 projects shall be adjusted to ensure that the projects move  
17 toward completion at a comparable rate in the future.

Union Calendar No. 44

110TH CONGRESS  
1ST Session

**H. R. 1495**

[Report No. 110-80]

**A BILL**

To provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

MARCH 29, 2007

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed